

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

----- )  
DONNA CURLING, et al., )  
Plaintiffs, ) Case No.  
vs. ) 1:17-cv-2989-AT  
BRAD RAFFENSPERGER, et al., )  
Defendants. )  
----- )

REMOTE DEPOSITION OF MATTHEW MASHBURN  
NOVEMBER 4, 2021

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

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NOVEMBER 4, 2021

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10:11 A.M.

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Videotaped deposition of MATTHEW MASHBURN

9

taken remotely by video conference pursuant to

10

notice before Tina M. Alfaro, a Certified Realtime

11

Reporter and a Notary Public within and for the

12

District of Columbia.

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1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFFS:

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4 BY: TAMARA WIESEBRON, ESQ.

5 HANNAH ELSON, ESQ.

6 VERONICA ASCARRUNZ, ESQ.

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8 Washington, D.C. 20037

9

10 ON BEHALF OF THE DEFENDANTS:

11 ROBBINS FIRM

12 BY: MELANIE JOHNSON, ESQ.

13 DANIELLE HERNANDEZ, ESQ.

14 CAREY MILLER, ESQ.

15 500 14th Street, NW

16 Atlanta, Georgia 30318

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1 APPEARANCES: (cont'd)

2 ON BEHALF OF FULTON COUNTY BOARD OF  
3 REGISTRATION ELECTION And RICHARD BARRON:  
4 FULTON COUNTY ATTORNEY'S OFFICE  
5 BY: NANCY ROWAN, ESQ.

6 141 Pryor Street, SW, Suite 4083  
7 Atlanta, Georgia 30303

8

9 ALSO PRESENT: Scott Forman (Videographer)

10 Marilyn Marks (Coalition for Good  
11 Governance)

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1	I N D E X	
2	EXAMINATION	
3	WITNESS	PAGE
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1 THE VIDEOGRAPHER: Good morning. We're 10:11:53  
2 going on the record at 10:11 a.m. on November 4, 10:11:54  
3 2021. This is media unit 1 of the video recorded 10:11:58  
4 deposition of Matthew Mashburn in the matter of 10:12:04  
5 Donna Curling, et al., versus Brad Raffensperger, 10:12:08  
6 et al., filed in the United States District Court 10:12:12  
7 for the Northern District of Georgia, Case No. 10:12:15  
8 1:17-CV-2989. This deposition is being held at 10:12:17  
9 Robbins Ross, Atlanta. 10:12:26  
10 My name is Scott Forman from the firm 10:12:29  
11 Veritext, and I am the videographer. The court 10:12:31  
12 reporter is Tina Alfaro from the firm Veritext. 10:12:32  
13 Counsel will now state their appearances 10:12:36  
14 and affiliations for the record. 10:12:38  
15 MS. WIESEBRON: Tamara Wiesebron from 10:12:41  
16 Morrison & Foerster for Plaintiffs. 10:12:43  
17 MS. JOHNSON: Melanie Johnson with the 10:12:48  
18 Robbins firm for Defendants. 10:12:51  
19 MS. ROWAN: Nancy Rowan, Fulton County 10:12:57  
20 Attorney's office for the Defendant. 10:13:00  
21 MS. JOHNSON: This is Melanie again. I 10:13:09  
22 also have two attorneys with me in the room. 10:13:10

1 Danielle Hernandez and Carey Miller are in the room 10:13:16  
2 as well, and they're attorneys with the Robbins 10:13:19  
3 firm on behalf of Defendants. 10:13:22

4 THE VIDEOGRAPHER: I'll pause just for a 10:13:26  
5 moment to make sure we have everyone. 10:13:27

6 MS. WIESEBRON: We also have -- I have two 10:13:28  
7 attorneys from my team, Hannah Elson and Veronica 10:13:30  
8 Ascarrunz, also on behalf of Plaintiffs. 10:13:36

9 MS. MARKS: This is Marilyn Marks, and I'm 10:13:41  
10 a Plaintiffs' representative, Coalition for Good 10:13:44  
11 Governance. 10:13:49

12 THE VIDEOGRAPHER: Thank you very much. 10:13:50

13 Will the court reporter please swear in 10:13:53  
14 the witness. 10:13:54

15 (Witness sworn.) 10:13:56

16 WHEREUPON: 10:13:56

17 MATTHEW MASHBURN, 10:13:56  
18 called as a witness herein, having been first duly 10:13:56  
19 sworn, was examined and testified as follows: 10:13:56

20 EXAMINATION 10:13:56

21 BY MS. WIESEBRON: 10:14:11

22 Q. Thank you for being here this morning, 10:14:11

1	Mr. Mashburn. Am I pronouncing your name	10:14:14
2	correctly?	10:14:17
3	A. Mashburn.	10:14:19
4	Q. Mashburn. All right. Great.	10:14:22
5	Well, if you could state your full name	10:14:24
6	and address for the record to start off.	10:14:26
7	A. Thomas Matthew Mashburn, M-A-S-H-B-U-R-N,	10:14:29
8	3 Wellington, W-E-L-L-I-N-G-T-O-N, Drive,	10:14:36
9	Cartersville, Georgia 30120.	10:14:43
10	Q. Thank you.	10:14:48
11	So I will be asking you a series of	10:14:51
12	questions regarding this litigation. Before we do	10:14:53
13	that, do you understand you are under oath?	10:14:57
14	A. Yes, I understand that, I'm under oath.	10:15:01
15	Q. Perfect.	10:15:05
16	If at any time you don't understand a	10:15:07
17	question I ask you, will you let me know?	10:15:08
18	A. I will do my best.	10:15:12
19	Q. Great. And if you do answer a question, I	10:15:14
20	will assume you understood it. Is that okay?	10:15:19
21	A. Fair assumption.	10:15:23
22	Q. Is there any reason today why you would be	10:15:26



1	unable to give full and complete testimony?	10:15:29
2	A. None to my knowledge.	10:15:33
3	Q. Before we start, because we are in a	10:15:35
4	remote environment, I just want to make sure that	10:15:39
5	you do not have any chat functions open on either	10:15:42
6	your cell phone or computer?	10:15:45
7	A. I don't know what that means.	10:15:46
8	Q. Great. I'll take that as a no.	10:15:49
9	Do you have any papers in front of you?	10:15:55
10	A. No.	10:15:58
11	Q. And if you need to take a break at any	10:16:02
12	point, just let me know. I only ask that you	10:16:04
13	answer any questions that are pending. Is that	10:16:06
14	okay?	10:16:10
15	A. That sounds fair.	10:16:11
16	Q. Okay.	10:16:13
17	So Mr. Mashburn, did you go to college?	10:16:16
18	A. Yes.	10:16:21
19	Q. Where did you go?	10:16:21
20	A. It was joint enrollment in high school at	10:16:28
21	Dekalb Community College. Then I enrolled at the	10:16:33
22	University of Georgia. Then I went two semesters	10:16:36

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1 at Georgia State University. Then I returned to 10:16:39

2 the University of Georgia where I graduated. 10:16:44

3 Q. All right. And what degree did you earn? 10:16:46

4 A. Political Science AB. 10:16:50

5 Q. Did you do any graduate work? 10:16:56

6 A. I went to law school, but no -- no college 10:16:58

7 after graduation from undergrad other than law 10:17:03

8 school. 10:17:07

9 Q. And where did you go to law school? 10:17:09

10 A. University of Georgia. 10:17:11

11 Q. What is your current employment? 10:17:16

12 A. I am a partner in commercial finance at 10:17:18

13 Aldridge Pite, A-L-D-R-I-D-G-E, P-I-T-E. 10:17:22

14 Q. And are you also currently employed by the 10:17:32

15 Georgia Department of Administrative Services? 10:17:36

16 A. No. 10:17:41

17 Q. All right. 10:17:42

18 So do you currently serve on the State 10:17:50

19 Election Board of Georgia? 10:17:53

20 A. Yes. 10:17:58

21 Q. And you are not paid for that appointment? 10:17:58

22 A. (Inaudible.) 10:18:03

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1 THE REPORTER: I'm sorry. I cannot hear 10:18:05

2 the witness. 10:18:06

3 THE WITNESS: That is correct. 10:18:09

4 Q. Great. 10:18:10

5 Have you had any other employment besides 10:18:12

6 being a lawyer? 10:18:16

7 A. After law school I've only been employed 10:18:25

8 as a lawyer. 10:18:27

9 Q. Have you been involved in any election 10:18:31

10 organizations? 10:18:35

11 A. I have been counsel to the Georgia 10:18:40

12 Republican party. 10:18:44

13 Q. When did you begin -- 10:18:48

14 A. No other organizations come to mind. 10:18:50

15 Q. When did you become counsel to the Georgia 10:18:55

16 Republican party? 10:18:58

17 A. I was deputy counsel. I don't recall the 10:18:59

18 year. 10:19:02

19 Q. How long approximately were you counsel 10:19:06

20 for the Georgia Republican party? 10:19:09

21 A. I was deputy counsel for tabulation for 10:19:11

22 probably between 10 and 12 -- between 12 and 15 10:19:16

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1 years. 10:19:20

2 Q. Okay. And what type of cases at a high 10:19:21

3 level did you see in your role as deputy counsel 10:19:26

4 for the Georgia Republican party for tabulation? 10:19:32

5 A. I don't recall any lawsuits. I don't 10:19:38

6 recall any lawsuits. 10:19:44

7 Q. Okay. 10:19:47

8 What was your familiarity with Georgia 10:19:53

9 elections prior to serving on the State Election 10:19:57

10 Board? 10:20:02

11 A. I served as a poll watcher and monitor for 10:20:03

12 many, many years. I served as a tabulation monitor 10:20:10

13 for many, many years. (Inaudible.) 10:20:14

14 THE REPORTER: I'm sorry. I couldn't hear 10:20:27

15 you. 10:20:31

16 THE WITNESS: I served as a poll watcher 10:20:32

17 for many, many years; I served as a tabulation 10:20:34

18 monitor for many, many years; and that's all that 10:20:37

19 comes to my mind right now. 10:20:40

20 Q. What did you do to prepare for this 10:20:44

21 deposition? 10:20:45

22 A. Verified the time and date and location of 10:20:51

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1 where I would be and had a brief conversation with 10:20:55

2 my attorney. 10:20:58

3 Q. Did you review any court documents in 10:21:03

4 advance of this deposition? 10:21:07

5 A. Other than my notice of deposition, no. 10:21:09

6 Q. Have you seen the most recent complaint in 10:21:17

7 this case? 10:21:21

8 A. Not that I recall. 10:21:23

9 Q. Do you know what this case is about? 10:21:25

10 A. Not particularly. 10:21:32

11 THE REPORTER: Tamara, I'm sorry. Let's 10:21:35

12 go off the record real quick. 10:21:37

13 THE VIDEOGRAPHER: We're going off the 10:21:39

14 record. The time is 10:21 a.m. 10:21:40

15 (A short break was had.) 10:21:43

16 THE VIDEOGRAPHER: We are back on the 10:22:43

17 record. The time is 10:22 a.m. 10:22:55

18 BY MS. WIESEBRON: 10:23:02

19 Q. You are currently a member of the State 10:23:02

20 Election Board, right? 10:23:06

21 A. Correct. 10:23:06

22 Q. When did you join the State Election 10:23:08

		Page 14
1	Board?	10:23:12
2	A. I don't recall exactly. I filled a	10:23:13
3	partial term and then I was appointed to my own	10:23:17
4	term in the most recent session, but I don't	10:23:21
5	remember the dates.	10:23:24
6	Q. Approximately when did you fill a partial	10:23:28
7	term?	10:23:30
8	A. I don't recall -- I don't recall the	10:23:35
9	dates. I believe it was February or March of 2020,	10:23:36
10	I believe.	10:23:41
11	Q. And do you know approximately -- sorry. I	10:23:45
12	didn't mean to cut you off.	10:23:47
13	A. No. I interrupted you. Go right ahead,	10:23:49
14	please.	10:23:51
15	Q. All right. Do you know approximately when	10:23:52
16	you started your own term that you were appointed	10:23:54
17	for?	10:23:59
18	A. It was -- it took place during the last	10:24:00
19	session of the Georgia General Assembly. I don't	10:24:03
20	recall the date.	10:24:07
21	Q. Sometime in 2020?	10:24:09
22	A. I think 2021.	10:24:15

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1 Q. Beginning of 2021? 10:24:18

2 A. Right. I think it was during this session 10:24:20

3 2021 is my recollection. 10:24:23

4 Q. All right. And have you been deposed 10:24:27

5 before in your capacity as a State Election Board 10:24:31

6 member? 10:24:35

7 A. No. 10:24:35

8 Q. What are the responsibilities of the State 10:24:39

9 Election Board? 10:24:41

10 MS. JOHNSON: Objection, calls for a legal 10:24:45

11 conclusion. You can answer. 10:24:48

12 A. The State Election Board operates within 10:24:53

13 the authority granted to it by the people's 10:24:55

14 representatives at the Georgia General Assembly. 10:24:58

15 Sometimes in the event of an emergency we will 10:25:01

16 operate under the authority granted to us by the 10:25:04

17 governor under an emergency declaration. We 10:25:08

18 operate under powers vested in us by the Georgia 10:25:12

19 code. So we will -- we have rulemaking authority 10:25:18

20 and we also have cases presented before us of 10:25:23

21 alleged violations. 10:25:29

22 Q. And to the best of your understanding, is 10:25:32

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1 the State Election Board also responsible for 10:25:37  
2 promulgating rules and regulations concerning 10:25:41  
3 Georgia's elections? 10:25:43

4 A. We have rulemaking authority to the extent 10:25:45  
5 that it's granted to us by the General Assembly or 10:25:49  
6 in the case of an emergency by the governor. 10:25:54

7 Q. Has the State Election Board promulgated 10:25:57  
8 any rules or regulations since you have joined the 10:26:00  
9 State Election Board? 10:26:03

10 A. Yes. 10:26:07

11 Q. For what purpose does the State Election 10:26:07  
12 Board promulgate rules and regulations? 10:26:16

13 A. Depends on the circumstances and the 10:26:20  
14 authority that we're given. Just to give an 10:26:22  
15 example, under the governor's declaration we passed 10:26:28  
16 a series of emergency rules with regard to how the 10:26:31  
17 state would respond to the COVID pandemic. 10:26:36

18 Q. How often does the State Election Board 10:26:42  
19 meet? 10:26:43

20 A. It's not a -- it's not a set time or 10:26:47  
21 place. Sometimes we meet as often as three times a 10:26:52  
22 month, sometimes we'll meet once a month. So 10:26:58



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1 there's no really set schedule. We meet as the 10:27:00

2 circumstances require. 10:27:03

3 Q. And who decides when to call a meeting? 10:27:06

4 A. We will usually get an e-mail from a staff 10:27:12

5 member of the Secretary of State's office. 10:27:17

6 Q. Who does the State Election Board report 10:27:25

7 to? 10:27:26

8 A. I didn't hear your question. I'm sorry. 10:27:30

9 Q. Not a problem. 10:27:32

10 Who does the State Election Board report 10:27:33

11 to? 10:27:37

12 MS. JOHNSON: Object to form. You can 10:27:39

13 answer. 10:27:42

14 A. We're accountable to the people of 10:27:42

15 Georgia. We're accountable to the people of 10:27:44

16 Georgia. 10:27:49

17 Q. What is your title as a member of the 10:27:53

18 State Election Board? 10:27:56

19 A. Member. 10:27:58

20 Q. Do you have any particular 10:28:01

21 responsibilities in that position? 10:28:04

22 A. None that -- none that my fellow board 10:28:10

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1 members don't -- don't have.

10:28:12

2 Q. Are you a member of any working groups on  
3 the State Election Board?

10:28:16

10:28:18

4 A. Yes. There's a rules working group that I  
5 participate in.

10:28:22

10:28:25

6 Q. Are you familiar with Georgia's current  
7 election system?

10:28:30

10:28:33

8 A. Yes.

10:28:38

9 Q. Georgia uses ballot marking devices,  
10 right?

10:28:38

10:28:43

11 A. Correct.

10:28:43

12 Q. Is it okay if during this deposition I  
13 refer to these as BMD's?

10:28:45

10:28:47

14 A. As long as you will forgive them if I call  
15 them BDM's by mistake.

10:28:51

10:28:54

16 Q. Understood.

10:28:56

17 Do you know when Georgia switched over to  
18 this election system?

10:29:00

10:29:03

19 A. Not the exact date, but I believe the  
20 first election on the BMD's was the primary.

10:29:07

10:29:10

21 Q. In 2020?

10:29:20

22 A. Correct. That's my recollection.

10:29:22

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1 Q. Are you familiar with Georgia's previous 10:29:27  
2 election system? 10:29:30

3 A. Yes. 10:29:31

4 Q. Georgia used direct recording electronic 10:29:34  
5 system also known as DRE's, right? 10:29:41

6 A. Correct. 10:29:47

7 Q. Do you understand why Georgia switched 10:29:47  
8 from DRE's to BMD's? 10:29:49

9 A. I have my own understanding as to -- as to 10:29:55  
10 what that was, but the General Assembly passed a 10:29:59  
11 set of laws that said we were going to have -- go 10:30:07  
12 to BMD's, which is something that the people had 10:30:12  
13 been asking for since the DR -- since even before 10:30:15  
14 the DRE's were instituted. 10:30:18

15 Q. So what is your own understanding of why 10:30:23  
16 Georgia switched from DRE's to BMD's? 10:30:28

17 A. The DRE equipment was old, technology 10:30:32  
18 advances a lot in 20 years. And so the systems 10:30:40  
19 were just worn out and ready to be -- ready to be 10:30:45  
20 replaced and the technology had sufficiently 10:30:48  
21 advanced that -- that it was time to make a change. 10:30:52

22 Q. Did you have a role in choosing Georgia's 10:31:00

		Page 20
1	current election system?	10:31:06
2	A. No.	10:31:07
3	Q. Do you know whether the State Election	10:31:10
4	Board had a role in choosing the current election	10:31:12
5	system?	10:31:16
6	A. I do not.	10:31:17
7	Q. Are you familiar with other states'	10:31:24
8	election systems?	10:31:31
9	A. Generally.	10:31:32
10	Q. Do you know whether other states use	10:31:34
11	BMD's?	10:31:37
12	A. I do not.	10:31:38
13	MS. JOHNSON: Object to relevance.	10:31:39
14	THE WITNESS: I'm sorry.	10:31:40
15	MS. JOHNSON: That's okay.	10:31:41
16	THE WITNESS: I do not.	10:31:42
17	Q. As a member of the State Election Board do	10:31:52
18	you care about the security of elections in	10:31:53
19	Georgia?	10:31:56
20	MS. JOHNSON: Object to form. You can	10:31:58
21	answer.	10:31:59
22	A. Absolutely.	10:32:00

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1 Q. As a member of the State Election Board do 10:32:07

2 you find it important to know that Georgia's 10:32:09

3 election system is not vulnerable to being hacked 10:32:13

4 by unauthorized third parties? 10:32:16

5 A. Can you restate that question, please. 10:32:20

6 Q. Sure. Do you want me to rephrase it or 10:32:24

7 just repeat it? 10:32:27

8 A. Just repeat it, please. 10:32:30

9 Q. As a member of the State Election Board do 10:32:32

10 you find it important to know that Georgia's 10:32:34

11 election system is not vulnerable to being hacked 10:32:38

12 by unauthorized third parties? 10:32:42

13 MS. JOHNSON: Objection. You can answer. 10:32:45

14 A. Yeah. Within -- within the framework of 10:32:49

15 the balancing interests that are present, sure. 10:32:52

16 Q. What do you mean by "balancing interests"? 10:32:59

17 A. There are trade-offs that exist in 10:33:04

18 every -- in every system between what the counties 10:33:08

19 can do, what the people will tolerate, what the 10:33:12

20 voters deem as being worthwhile or not worthwhile. 10:33:16

21 So I don't think you can look at one aspect and say 10:33:22

22 this is the one and only aspect. It's a trade-off 10:33:27

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1 of multiple different considerations. Security 10:33:29  
2 is -- security is one of them. 10:33:36

3 Q. Understood. 10:33:40

4 Would you support the use of an election 10:33:43  
5 system that could be hacked in a few minutes by a 10:33:45  
6 voter in the voting booth? 10:33:48

7 A. I would not -- I would -- I would want to 10:34:01  
8 see the data on -- on how that could be done, but 10:34:05  
9 generally hacking is not a good idea. It's 10:34:10  
10 something that you'd like to -- like to oppose, but 10:34:18  
11 I'd like -- I'd have to see the particular 10:34:21  
12 circumstances. If it could be hacked in a -- in a 10:34:23  
13 courtroom under artificial circumstances, that's 10:34:30  
14 very different than being hacked in the wild. 10:34:33

15 Q. But from your answer is it -- am I 10:34:42  
16 understanding correctly that you would not support 10:34:45  
17 an election system that could be hacked in a few 10:34:48  
18 minutes by a voter in the voting booth? 10:34:51

19 MS. JOHNSON: (Inaudible) taking 10:34:56  
20 Mr. Mashburn's opinion in his personal capacity. 10:34:56  
21 He's here in his capacity as a member of the State 10:35:01  
22 Board of Elections, but you can answer. 10:35:07

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1 A. You would want to avoid a system that 10:35:08

2 could be hacked by a random person in the wild. 10:35:12

3 Q. Are you familiar with BMD's? 10:35:16

4 A. Sure. 10:35:21

5 Q. Do you know how they work? 10:35:22

6 A. Yes. I just used one the other day. 10:35:23

7 Q. What company manufacturers the BMD's? 10:35:28

8 A. I don't know. 10:35:31

9 Q. What company does the State of Georgia 10:35:35

10 have a contract with that provides the BMD's to the 10:35:42

11 State of Georgia? 10:35:45

12 A. I don't know. 10:35:46

13 Q. Are you familiar with Dominion? 10:35:52

14 A. I've heard -- I've heard of them, yes. 10:35:55

15 Q. Are you aware that the State of Georgia 10:36:00

16 has contracted with Dominion for Dominion to 10:36:03

17 provide BMD's to the State of Georgia? 10:36:07

18 MS. JOHNSON: He stated he wasn't aware 10:36:11

19 who the State of Georgia had a contract with. You 10:36:17

20 can answer. 10:36:19

21 A. Yeah, I don't know who the contract's 10:36:20

22 with. 10:36:22

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1 Q. Have you interacted at all with Dominion? 10:36:23

2 A. No. Wait. Scratch that. We had a 10:36:25

3 representative of Dominion at a State Election 10:36:32

4 Board meeting to testify and he answered some of my 10:36:36

5 questions. So I guess that's an interaction, but 10:36:40

6 other than that, no. 10:36:45

7 Q. Have you inspected one of the BMD machines 10:36:48

8 before? 10:36:53

9 A. I've seen them and I've used them. 10:36:58

10 Q. Do you know how the BMD machines are 10:37:05

11 programmed? 10:37:08

12 A. No. 10:37:09

13 Q. That's not something that you discussed 10:37:11

14 with other State Election Board members? 10:37:14

15 A. We did have a question about adjusting 10:37:21

16 the -- how it reads a mark, but I didn't discuss 10:37:28

17 programming other than just the general idea of 10:37:32

18 that you want to have it read this much. But how 10:37:37

19 you accomplish that through programming I have no 10:37:43

20 idea. 10:37:46

21 Q. When you say "reading a mark," what 10:37:46

22 exactly are you referring to? 10:37:51



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1           A. Well, it wasn't a BMD. I stand corrected 10:37:55  
2     there. The question there was on hand-marked paper 10:38:01  
3     ballots. So yeah, I don't know anything about 10:38:06  
4     programming BMD's. I stand corrected. I'm sorry. 10:38:08  
5     I apologize. 10:38:10

6           Q. No problem. 10:38:11

7           A. Yeah. I don't know anything about 10:38:14  
8     programming BMD's. 10:38:16

9           Q. Okay. So that's not -- just to clarify, 10:38:21  
10    that's not something that you discussed with the 10:38:24  
11    State Election Board? 10:38:25

12          A. Not -- not to my knowledge. 10:38:26

13          Q. Do you know how the BMD machines are 10:38:33  
14    updated? 10:38:35

15                 MS. JOHNSON: Objection, lack of 10:38:35  
16    foundation. He stated he doesn't know how the 10:38:36  
17    programming of the BMD's works and he's not a BMD 10:38:39  
18    expert or a computer expert, but you can answer if 10:38:43  
19    you know. 10:38:47

20          A. Only -- only generally that contractors 10:38:48  
21    will update them, but nothing more than that. 10:38:50

22          Q. Are you aware that removal media, 10:39:00

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1 including USB sticks, can be inserted into BMD 10:39:04

2 machines? 10:39:10

3 A. I have no knowledge of that. The only 10:39:12

4 knowledge I have of that comes out of the case in 10:39:19

5 Athens where a representative I believe of Dominion 10:39:25

6 said that if someone stuck a stick into a live 10:39:30

7 machine in the wild it would immediately shut down, 10:39:33

8 but other than that I don't know -- have any 10:39:37

9 knowledge. 10:39:40

10 Q. And when voters use BMD's to vote they're 10:39:53

11 provided with a paper receipt, right? 10:40:00

12 A. Correct. 10:40:03

13 Q. And that paper receipt shows text as well 10:40:05

14 as a QR code, right? 10:40:11

15 A. Correct. 10:40:13

16 Q. And so when the votes are tabulated, are 10:40:15

17 they tabulated using the QR codes or the text? 10:40:24

18 A. They are run through a scanner that reads 10:40:32

19 the QR code for their first tally. As we did the 10:40:35

20 presidential recounts, we looked at the text. 10:40:44

21 Q. Would you support the use of an election 10:40:58

22 equipment that could be hacked in such a way that 10:41:03

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1 both the QR codes and the human readable text could 10:41:06

2 be altered? 10:41:12

3 MS. JOHNSON: (Inaudible.) 10:41:16

4 THE REPORTER: I'm sorry. I couldn't hear 10:41:17

5 you, Melanie. 10:41:19

6 MS. JOHNSON: Object to form and lack of 10:41:20

7 foundation. 10:41:22

8 A. Well, spec- -- all right. Ask me the 10:41:23

9 question again, please. Just repeat the question. 10:41:29

10 Q. Would you support the use of an election 10:41:36

11 equipment that could be hacked in such a way that 10:41:40

12 both the QR codes and the human readable text could 10:41:43

13 be altered? 10:41:47

14 MS. JOHNSON: Objection. You can answer. 10:41:49

15 A. If it was a theor- -- if it was a 10:41:53

16 theoretical possibility, it would just depend on a 10:41:57

17 lot of other factors, but you have the voter who 10:41:59

18 checks it. So it would be really strange to have a 10:42:04

19 system that alters it before the voter looks at it 10:42:09

20 and the voter doesn't know -- none of the voters 10:42:16

21 that look at it notice. That just would -- I just 10:42:19

22 can't -- I just can't anticipate that that could be 10:42:22

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1 possible.

10:42:26

2 Q. How about a system -- sorry. Strike that.

10:42:28

3 So just going back on your previous

10:42:50

4 answer, you noted that you couldn't anticipate that

10:42:51

5 it would be possible, but regardless of whether you

10:42:56

6 can anticipate that it's possible, let's assume it

10:43:02

7 is possible. Would you support the use of an

10:43:09

8 election equipment that could be hacked in such a

10:43:12

9 way that both QR codes and human readable text

10:43:17

10 could be altered?

10:43:20

11 MS. JOHNSON: Object to form, misstates

10:43:21

12 his prior testimony, lack of foundation, and

10:43:23

13 relevance.

10:43:27

14 A. Yeah. I just -- I don't think it's

10:43:27

15 possible to have a system where you hack and none

10:43:30

16 of the voters who review their ballots don't catch

10:43:32

17 that it's -- that it's switched. The voters are

10:43:35

18 too concerned about their votes. We had so many

10:43:38

19 questions about calibrations on the DRE's, the

10:43:42

20 voters were all over it. So I can't support or --

10:43:49

21 or oppose a system that's just not possible.

10:43:55

22 Q. Understood.

10:43:58

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1           You testified a few minutes earlier that           10:44:00

2    you understood that only -- initially only the QR       10:44:02

3    codes are tabulated and not the human readable       10:44:08

4    text, correct?   10:44:11

5           A.   The scanner reads the QR codes, correct.   10:44:14

6           Q.   Okay.   So would you support the use of   10:44:19

7    election equipment that could be hacked in such a   10:44:22

8    way that only the QR codes are altered but the       10:44:26

9    human readable text shows the voter's intent?       10:44:32

10           MS. JOHNSON:   Same objection.               10:44:39

11           A.   If I knew -- if I knew that it was       10:44:45

12   possible -- if I knew it was happening -- scratch   10:44:48

13   that.   10:44:52

14           If I knew it was possible to do that, that   10:44:53

15   would not be a system that I support.   I would want   10:44:55

16   to know -- I would want to know more information as   10:45:04

17   to how somebody's marketing a system that that       10:45:07

18   could happen.   How did that -- how did that meet   10:45:10

19   the request -- how did that meet the proposal,       10:45:14

20   request for proposals.                               10:45:17

21           Q.   Understood.                               10:45:20

22           As a member of the State Election Board do   10:45:24

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1     you believe it is important to voters for them to     10:45:27  
2     be able to verify that their ballots accurately     10:45:32  
3     reflect their voting intent?     10:45:37

4             MS. JOHNSON: Objection, calls for     10:45:41  
5     speculation and object to form. You can answer.     10:45:42

6             A. We -- it has been my experience that     10:45:51  
7     voters take great comfort in being able to look at     10:45:53  
8     their receipt and know that it accurately reflected     10:46:00  
9     their choices, correct.     10:46:04

10            Q. Have you heard any complaints from voters     10:46:12  
11     that they are unable to verify their votes in the     10:46:16  
12     way -- in this way using Georgia's current election     10:46:19  
13     system?     10:46:22

14            A. I've never heard it from a voter who was     10:46:24  
15     not representing an interest group.     10:46:26

16            Q. So you have heard it from voters that are     10:46:34  
17     part of an interest group; is that right?     10:46:38

18            A. Correct, but I haven't heard it from just     10:46:42  
19     a random -- I've never heard it from a random voter     10:46:45  
20     and no one has -- I've taken hundreds and hundreds     10:46:50  
21     of calls during and after elections and no one's     10:46:54  
22     ever -- no one's ever said it. I've only heard     10:46:57

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1 universal praise for the receipts.

10:47:01

2 Q. To your knowledge, does the Secretary of

10:47:04

3 State's office commission studies regarding

10:47:07

4 election systems?

10:47:10

5 A. None to my knowledge.

10:47:12

6 Q. Are you aware that the Secretary of

10:47:18

7 State's office commissioned a study regarding voter

10:47:20

8 verification in 2021?

10:47:25

9 A. I'm not familiar with one.

10:47:27

10 Q. So is it fair to assume that you did not

10:47:31

11 read the Secretary of State's study commissioned

10:47:38

12 titled 2021 Georgia Voter Verification Study?

10:47:42

13 A. I'm not familiar with that.

10:47:45

14 Q. Okay. So you're not aware that the study

10:47:50

15 found that over half of voters reviewed their

10:47:54

16 ballot less than a second or not at all?

10:47:59

17 A. Yeah, I'm not familiar with that. That

10:48:04

18 was not -- that was not the experience that I had

10:48:06

19 with talking with voters.

10:48:09

20 Q. So does that finding surprise you?

10:48:12

21 A. I'd have to see -- I would have to see the

10:48:19

22 context. It's not -- it's not consistent with my

10:48:21

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1 experience talking with voters. Voters that have 10:48:24  
2 interacted with me have been universally very happy 10:48:30  
3 with the receipts. 10:48:33

4 Q. But you've only -- how many voters have 10:48:37  
5 you interacted with? 10:48:40

6 A. Several hundred. 10:48:41

7 Q. In what context do you interact with 10:48:44  
8 voters? 10:48:46

9 A. They will call me on the phone, they will 10:48:49  
10 stop me at restaurants, they will stop me walking 10:48:52  
11 down the street. I will see them in polling 10:48:56  
12 places, I will see a few at tabulation centers. 10:49:01  
13 Some will e-mail, some will send mail. So just -- 10:49:07  
14 yes, in the several hundreds. 10:49:18

15 Q. Would it worry you that half of Georgia 10:49:27  
16 voters undertake an insufficient check of their 10:49:32  
17 ballot? 10:49:37

18 MS. JOHNSON: Objection, lack of 10:49:40  
19 foundation. You can answer. 10:49:41

20 A. I have -- I don't have any knowledge of 10:49:47  
21 what you just asked. 10:49:49

22 Q. Well, as a member of the State Election 10:49:53



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1 Board would you be concerned if half of the Georgia 10:50:00  
2 voters took less than a second to review their 10:50:06  
3 ballot or did not review it at all? 10:50:12

4 MS. JOHNSON: Same objections. You can 10:50:17  
5 answer. 10:50:18

6 A. I would depend on the context. For 10:50:18  
7 example, in a primary where Donald Trump ran 10:50:20  
8 unopposed, it really would take less than a second 10:50:23  
9 because there was only one race. So just to say a 10:50:28  
10 blanket number without the context of the ballot 10:50:34  
11 doesn't mean anything. 10:50:37

12 Q. That's fair enough. 10:50:39

13 Let's assume that this was in the context 10:50:44  
14 where the contestants did not run unopposed. So in 10:50:46  
15 that context would you be concerned if half of the 10:50:51  
16 Georgia voters took less than a second to review 10:50:56  
17 their ballot or did not review it at all? 10:51:00

18 MS. JOHNSON: Same objections. You can 10:51:04  
19 answer. 10:51:05

20 A. I was -- in my case when I voted on 10:51:08  
21 Tuesday it took me less than a second to review the 10:51:10  
22 ballot, and I said, yep, yep, yep, boom, done. 10:51:12

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1 Q. Would it concern you if a portion of 10:51:18

2 Georgia voters did not review their ballot at all? 10:51:23

3 MS. JOHNSON: Objection, asked and 10:51:27

4 answered. You can answer. 10:51:28

5 A. Yeah. We -- I think, if I'm not mistaken, 10:51:31

6 there's even a script that was advocated. I don't 10:51:38

7 know if we adopted it or not, but that some groups 10:51:43

8 proposed that a script be read to the voters. So I 10:51:50

9 know there's an education effort. I don't recall 10:51:53

10 exactly what it is right now, but I know there was 10:51:55

11 a lot of education effort saying it's important 10:51:58

12 that you review your ballot and there were some 10:52:01

13 groups that were very concerned about it. 10:52:03

14 Q. And this may be an obvious question, but 10:52:09

15 I'm going to ask it anyway. So please indulge me. 10:52:12

16 Can humans read QR codes? 10:52:17

17 A. I have no idea. 10:52:20

18 Q. Okay. Have you ever been able to read a 10:52:24

19 QR code? 10:52:27

20 A. Not -- not that I'm aware of. 10:52:30

21 Q. All right. 10:52:34

22 A. I don't know if there's any -- somebody 10:52:35

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1 with specialized training that could or could not. 10:52:38

2 I don't know. 10:52:41

3 Q. Fair enough. 10:52:41

4 To your knowledge, are voters able to 10:52:43

5 verify that the QR code on their ballot accurately 10:52:44

6 reflects the voter's selection? 10:52:50

7 MS. JOHNSON: Objection. Mr. Mashburn is 10:52:53

8 not a computer expert, but you can answer. 10:52:55

9 A. I would -- I would doubt that an average 10:52:59

10 person can read a QR code. I would -- I would 10:53:02

11 doubt that. I don't -- I don't know, but I would 10:53:05

12 doubt it and that's why we don't -- we don't ask 10:53:08

13 them to read the QR code. We ask them to look at 10:53:18

14 the choices that are printed out for them. 10:53:21

15 Q. Understood. 10:53:24

16 Are you familiar with election audits? 10:53:26

17 A. Election audits? 10:53:30

18 Q. Yes. 10:53:31

19 A. Yes. 10:53:36

20 Q. Does the State Election Board have any 10:53:36

21 role in any election audits in the State of 10:53:38

22 Georgia? 10:53:42

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1 A. None -- none come to mind, but I would 10:53:43

2 imagine that we do. 10:53:46

3 Q. Okay. To the best of your knowledge, what 10:53:50

4 would that role be? 10:53:53

5 A. I don't -- I don't -- I don't recall them 10:53:56

6 off the top of my head. I always carry the rules 10:54:00

7 and regulations with me. So if there's a question, 10:54:05

8 I look it up. 10:54:08

9 Q. That's a good strategy. 10:54:09

10 Do you know in what circumstances election 10:54:15

11 audits could be requested? 10:54:17

12 A. Not off the top of my head. 10:54:20

13 Q. Are audits important to verify election 10:54:24

14 results? 10:54:28

15 A. Yes. I attended one down in Fulton 10:54:30

16 County, and I thought it was very -- very 10:54:36

17 reassuring. 10:54:40

18 Q. Could you explain a bit more why you find 10:54:47

19 them important? 10:54:49

20 A. The more -- the more you check and recheck 10:54:54

21 and double-check and come up with the same result, 10:55:01

22 the more confidence people have in the system. 10:55:04

1 Except for a certain group of conspiracy theorists 10:55:10  
2 who stopped me one day and said that since you 10:55:13  
3 counted three times and you came up with the same 10:55:20  
4 result, that was evidence of the fraud and stop the 10:55:23  
5 steal. Otherwise, if you count and recount and 10:55:26  
6 recount and audit and come up with the same 10:55:31  
7 numbers, the more you check the better people feel. 10:55:33

8 Q. Do you know how audits work for votes that 10:55:39  
9 were casted using a BMD machine? 10:55:43

10 A. Only generally from what I've observed. 10:55:51

11 Q. Can you explain from what you have 10:55:58  
12 observed how audits work for votes that were casted 10:56:01  
13 using a BMD machine? 10:56:05

14 A. Yeah. We were down at Fulton County and 10:56:10  
15 they threw dice to determine how thick of the stack 10:56:14  
16 they would cut. Then they would cut the stack and 10:56:18  
17 then they would count a certain number of votes and 10:56:23  
18 see if that's the same result that they got within 10:56:25  
19 a certain tolerance. I thought that was 10:56:29  
20 fascinating. 10:56:33

21 Q. If a machine was tampered such that the 10:56:46  
22 QR code does not accurately reflect the voter's 10:56:51

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1 intention, would an audit be able to pick up on 10:56:57

2 that? 10:57:00

3 MS. JOHNSON: Objection, lack of 10:57:01

4 foundation. You can answer. 10:57:02

5 A. I don't know. I don't know the answer. 10:57:06

6 Q. So would you be concerned if you weren't 10:57:27

7 allowed to vote in an election for some reason? 10:57:30

8 MS. JOHNSON: Objection. Mr. Mashburn is 10:57:34

9 here in his capacity as a State Election Board 10:57:37

10 member. You can answer. 10:57:39

11 A. I would -- I would not accept -- it would 10:57:40

12 depend on -- it would depend on the context, but if 10:57:48

13 I knew I was registered and I knew I was in the 10:57:53

14 right precinct and I knew I was on election day and 10:57:56

15 I knew I was within the proper times and I knew I 10:58:00

16 had my ID with me, I would take very badly if they 10:58:02

17 said I couldn't vote. 10:58:06

18 Q. Why is that? 10:58:08

19 A. Because properly registered Georgia 10:58:10

20 citizens should be allowed to vote, and we work 10:58:14

21 very -- at the State Election Board we work very 10:58:19

22 hard to try and make voting accessible. 10:58:21

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1 Q. Would you be concerned if you were forced 10:58:25  
2 to vote by a mail-in ballot? 10:58:28

3 MS. JOHNSON: Same objection and lack of 10:58:32  
4 relevance, but you can answer. 10:58:34

5 A. I would not -- I would not -- I have used 10:58:36  
6 mail-in ballots, but I would not support it as the 10:58:44  
7 sole method in Georgia. 10:58:46

8 Q. Why is that? 10:58:48

9 A. Because mail-in ballots are hand-marked 10:58:51  
10 paper ballots and you have all kinds of ballot 10:58:55  
11 harvesting problems, you have all kinds of failure 10:58:58  
12 to follow the instruction problems, you have mail 10:59:02  
13 delays, you have -- talking about hacking. A 10:59:05  
14 hand-marked paper ballot can be hacked by anybody 10:59:13  
15 with a pen anywhere during the process. You have 10:59:16  
16 chain of custody problems. Just a disaster. 10:59:19

17 Now, as part -- as part of a system and 10:59:30  
18 people like that, it's perfectly fine for the 10:59:33  
19 people's representatives in the General Assembly to 10:59:36  
20 choose that as a method. I don't object to it as a 10:59:41  
21 method, but I would object strenuously to it being 10:59:43  
22 as the sole method. 10:59:47

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1 Q. If you found out after an election that 10:59:53

2 your vote had not counted, would that concern you? 10:59:57

3 A. Yeah. I would want to know why. 11:00:01

4 Q. What if you found out that your vote had 11:00:08

5 been counted for a different candidate, would that 11:00:13

6 concern you? 11:00:16

7 MS. JOHNSON: Objection. These questions 11:00:18

8 are outside of Mr. Mashburn's role as a State 11:00:20

9 Election Board member, but you can answer. 11:00:23

10 A. Well, it's a secret ballot. So I don't 11:00:26

11 know how -- I don't know how that -- I don't even 11:00:28

12 know how that would be discovered. Would I 11:00:30

13 discover it or would they discover it? Who would 11:00:36

14 discover it? 11:00:38

15 I'm not supposed to ask you questions, I 11:00:41

16 realize. I'm sorry. I breached deposition 11:00:44

17 protocol. I'm sorry. 11:00:47

18 Q. It's okay. 11:00:49

19 A. But I ask rhetor- -- I ask rhetorically. 11:00:49

20 I ask rhetorically, not of you, but rhetorically 11:00:51

21 how would it be discovered if it's a secret ballot? 11:00:56

22 Q. Right. Under- -- understood the 11:01:00



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1 confusion. 11:01:02

2 Do you publicly announce who you vote for 11:01:09

3 in every election? 11:01:11

4 MS. JOHNSON: Same objection, but you can 11:01:14

5 answer. 11:01:15

6 A. Usually not. 11:01:15

7 Q. Why not? 11:01:17

8 A. Because I have -- secret ballot is a very 11:01:20

9 good and valuable tool in American voting system. 11:01:24

10 I think secret ballot is one of the greatest 11:01:33

11 inventions that Americans and whoever else support 11:01:36

12 it has come up with. 11:01:40

13 Q. Are you concerned about the personal 11:01:50

14 information now required to be posted on the 11:01:53

15 envelope when voting absentee by mail? 11:01:56

16 MS. JOHNSON: Objection, relevance. You 11:02:00

17 can answer. 11:02:01

18 A. No. I was actually quite amazed at seeing 11:02:02

19 the mockups of the envelopes. I was concerned when 11:02:06

20 it first came out, but after having seen the 11:02:11

21 mockups of the envelopes, I was just fascinated and 11:02:13

22 just so impressed with how they came up with a 11:02:18

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1 system to fold and cover it and seal it. I just 11:02:23  
2 thought it was just fascinating what a great job 11:02:28  
3 they did. 11:02:31

4 Q. Would you use BMD's that don't tabulate QR 11:02:37  
5 codes but instead tabulated the human readable 11:02:44  
6 portion? 11:02:48

7 MS. JOHNSON: Objection as to relevance 11:02:49  
8 and the capacity in which Mr. Mashburn is here, but 11:02:56  
9 you can answer. 11:03:01

10 A. Yeah. I would like to see that 11:03:02  
11 demonstrated. 11:03:04

12 Q. Would you -- 11:03:05

13 A. It would probably make the anti-QR code 11:03:06  
14 people very happy. 11:03:08

15 Q. If it was possible, would you prefer that 11:03:10  
16 to the current BMD's? 11:03:14

17 MS. JOHNSON: Objection, speculation and 11:03:17  
18 same objection as before, but you can answer. 11:03:20

19 A. Yeah. I'd have -- I'd have to see the 11:03:22  
20 accuracy -- I'd have to see it demonstrated and see 11:03:26  
21 the accuracy of it and see how it operated, but I 11:03:30  
22 have no objections -- I have no objections to it in 11:03:36

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1 theory.	11:03:39
2 Q. Are you aware --	11:03:44
3 A. If it's just -- if it's just as fast.	11:03:45
4 Q. Are you aware that no other states use	11:03:50
5 BMD's as a primary form of voting statewide?	11:03:53
6 MS. JOHNSON: Objection, relevance. You	11:03:57
7 can answer.	11:03:59
8 A. I'm not aware of that.	11:04:00
9 Q. If that were the case, would you be	11:04:05
10 concerned by it?	11:04:07
11 MS. JOHNSON: Same objections.	11:04:09
12 A. Not necessarily in that we might be the	11:04:10
13 leading edge of societal evolution.	11:04:12
14 Q. Do you think that DRE's were as reliable	11:04:20
15 as BMD's?	11:04:25
16 MS. JOHNSON: Objection. He's not an	11:04:26
17 election security expert, but you can answer.	11:04:32
18 A. I like BMD's. I'm pleased that the	11:04:34
19 Georgia General Assembly chose to use the BMD's	11:04:40
20 when they -- when they considered the new system.	11:04:42
21 I'm pleased with the change, especially having seen	11:04:45
22 it work and the receipts be counted and the way we	11:04:55

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1     were able to respond to statements that the machine     11:05:00  
2     flipped votes and we said, well, we counted the     11:05:03  
3     paper. So I thought that was a good improvement.     11:05:07  
4     I thought the General Assembly did a good job of     11:05:09  
5     that.     11:05:12

6             Q. Are you aware of any previous concerns     11:05:14  
7     with the reliability of DRE's?     11:05:20

8             A. I had more comfort with DRE's than most     11:05:27  
9     people simply because I knew all of the ways that     11:05:32  
10    the previous systems could be hacked. So I thought     11:05:36  
11    the -- at the time the institution of the DRE's was     11:05:40  
12    a substantial improvement over every other system     11:05:43  
13    that had previously been in place.     11:05:46

14            I was always hearing about the lack of the     11:05:51  
15    paper trail that the people didn't like and we     11:05:54  
16    would frequently hear objections that I cast -- it     11:05:57  
17    actually happened to me once that I pressed a     11:06:04  
18    button and a different candidate came up and it was     11:06:06  
19    most likely that my finger had just slipped or I     11:06:10  
20    wasn't as careful as I should have been, but I     11:06:14  
21    caught it and I changed it. But we would     11:06:17  
22    frequently have people with -- strangely enough,     11:06:20

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1     when I was asking questions about it, you would     11:06:27  
2     find out that people with long finger nails would     11:06:29  
3     have particular problems with calibration errors.     11:06:33

4             So one of the nice improvements is I     11:06:35  
5     didn't hear a single one of those complaints after     11:06:38  
6     either the primary or the general or the runoff,     11:06:41  
7     whereas previously we would field several dozen of     11:06:46  
8     those complaints.     11:06:49

9             Q.   Got it.     11:06:54

10            You mentioned at the beginning of your     11:06:55  
11     answer that you knew all of the ways that the     11:06:58  
12     previous systems could be hacked. Can you explain     11:07:00  
13     what you're referring to here?     11:07:05

14            A.   Yeah. As part of my interest in elections     11:07:10  
15     I've been reading about the materials on elections     11:07:14  
16     for as long as I can remember. So there was a     11:07:20  
17     series of books that I -- that I read, I don't     11:07:26  
18     recall all of the titles, when I got out of law     11:07:28  
19     school and have just been -- you know, spent 20     11:07:31  
20     years reading books about how you hack various     11:07:35  
21     systems, and -- and people who -- who have passed     11:07:37  
22     away told me how they did it in the old days.     11:07:43

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1 Q. Got it. 11:07:49

2 And so had you read anything about DRE's 11:07:58

3 being easily hacked? 11:08:02

4 MS. JOHNSON: Objection. You can answer. 11:08:06

5 A. I've never -- I've never read a credible 11:08:09

6 report that they could be easily hacked in the 11:08:14

7 wild. I've read statements in various sources and 11:08:17

8 books that people could hack them in very 11:08:23

9 artificial circumstances, but I've -- I'm not aware 11:08:27

10 of any circumstance that anybody that's ever 11:08:30

11 reported that one has been hacked in the wild. 11:08:34

12 Q. Would you use hand-marked paper ballots? 11:08:41

13 A. I have. I would not use them as the 11:08:50

14 primary source, but I have used it in my mail-in. 11:08:52

15 But I think that's probably the worst -- if you 11:08:59

16 were choosing systems, that's probably the worst 11:09:02

17 system you can choose. 11:09:04

18 Q. Why is that? 11:09:07

19 A. I've been watching tabulation for well 11:09:10

20 over 20 years and every single election that I have 11:09:13

21 watched either as a poll monitor or poll watcher or 11:09:19

22 a tabulation monitor, I've never seen an election 11:09:26

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1 where I didn't see a gross violation of the law or 11:09:30  
2 error or susceptibility in a hand-marked paper 11:09:33  
3 ballot. It's always been the hand-marked paper 11:09:38  
4 ballots every election. 11:09:40

5 Q. What violations of the law are you 11:09:42  
6 referring to? 11:09:46

7 A. People sitting at tables by themselves 11:09:48  
8 marking -- marking ballots. Ballots sitting in 11:09:52  
9 boxes and Tupperware containers with nobody 11:09:57  
10 watching them, with no security on them whatsoever. 11:10:01  
11 Ballots being transported from one location to 11:10:07  
12 another without any sort of chain of custody. 11:10:10  
13 Marked ballots and unmarked ballots being 11:10:16  
14 intermingled and left unsecured. Just any number 11:10:21  
15 of -- any number of issues, but it's always -- 11:10:25  
16 always -- I've never come across a problem -- well, 11:10:30  
17 I came across one problem with one DRE one election 11:10:34  
18 and it was a programming error, and that was in 11:10:37  
19 Sharon Cooper's race out in East Cobb, and we 11:10:41  
20 caught it very quickly and they reprogrammed it to 11:10:46  
21 read it and the election was fine. 11:10:49

22 But the errors that I see in tabulation 11:10:51

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1 security risks have always been the paper ballots, 11:10:53

2 and I've never seen an election that didn't have a 11:10:57

3 problem or a big security risk with paper ballots. 11:11:00

4 Q. Are paper ballots susceptible to being 11:11:13

5 infiltrated by malware? 11:11:18

6 MS. JOHNSON: Object to form and lack of 11:11:20

7 foundation, but you can answer. 11:11:21

8 A. In their marking probably not. In their 11:11:22

9 creation probably so. 11:11:24

10 Q. How so in their creation? 11:11:28

11 A. If you use a computer to print them out 11:11:30

12 somebody could get in -- theoretically could get in 11:11:32

13 and alter how the ballot is prepared. 11:11:38

14 Q. But once the ballot has been printed and 11:11:40

15 properly verified by all the different state 11:11:46

16 institutions, are paper ballots subject to malware 11:11:54

17 infiltration? 11:11:58

18 A. That depends on -- 11:12:01

19 MS. JOHNSON: Same objection. You can 11:12:03

20 answer. 11:12:05

21 THE WITNESS: Sorry. Sorry. 11:12:05

22 It depends on how you count them. If you 11:12:07



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1 count them on a computer, they're theoretically 11:12:09  
2 susceptible to hacking there. If you count them by 11:12:14  
3 humans, you're susceptible to human error and 11:12:15  
4 cheating, intentional cheating, but your malware 11:12:19  
5 could show up in your scanners theoretically. 11:12:22

6 Q. Are you aware of any unauthorized access 11:12:31  
7 to any component of Georgia's election system? 11:12:35

8 MS. JOHNSON: Object to form. You can 11:12:41  
9 answer. 11:12:44

10 A. I read -- I read about some hacker who 11:12:44  
11 hacked into Kennesaw, but other than that I'm not 11:12:48  
12 aware of any. 11:12:51

13 Q. Okay. Do you know who Logan Lamb is? 11:12:55

14 A. No. 11:13:00

15 THE REPORTER: Tamara, are we at a good 11:13:05  
16 spot for a break? 11:13:07

17 MS. WIESEBRON: Yep. Sounds good to me. 11:13:09

18 THE VIDEOGRAPHER: We're going off the 11:13:11  
19 record. The time is 11:13 a.m. 11:13:12

20 (A short break was had.) 11:29:06

21 THE VIDEOGRAPHER: We are back on the 11:29:43  
22 record. The time is 11:29 a.m. 11:29:44

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1	MS. JOHNSON: I just wanted to	11:29:54
2	stipulate -- stipulate on the record here that	11:29:56
3	opposing counsel and I are stipulating from this	11:29:59
4	point forward that all objections except for those	11:30:01
5	to form and responsiveness of the answer be	11:30:04
6	reserved until first use or at trial.	11:30:07
7	Do you agree, Tamara?	11:30:10
8	MS. WIESEBRON: Yep, that's fine.	11:30:12
9	MS. JOHNSON: All right. Great. I think	11:30:15
10	we're all set.	11:30:21
11	BY MS. WIESEBRON:	11:30:25
12	Q. Mr. Mashburn, are you aware of any	11:30:25
13	unauthorized copying of any Georgia election data	11:30:29
14	current or past?	11:30:33
15	A. Copying, no.	11:30:36
16	Q. Have you discussed any unauthorized	11:30:43
17	copying of any Georgia election data with other	11:30:47
18	secretary -- sorry -- State Election Board members?	11:30:51
19	A. Not to my knowledge.	11:30:57
20	Q. Have you seen -- sorry. Strike that.	11:31:02
21	Are you aware that experts have been	11:31:07
22	retained by both parties in this litigation?	11:31:10

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1 A. Yes. 11:31:23

2 Q. Do you know who those experts are? 11:31:23

3 A. No. 11:31:26

4 Q. Have you discussed the retention of 11:31:32

5 experts in this litigation with members of the 11:31:35

6 State Election Board? 11:31:40

7 A. Not to my knowledge. 11:31:44

8 Q. So how did you become aware that experts 11:31:45

9 have been retained by both parties in this 11:31:48

10 litigation? 11:31:52

11 A. I think I read it in an Atlanta Journal 11:31:52

12 article. 11:31:57

13 Q. And so do you know who the experts are 11:32:03

14 that have been retained? 11:32:07

15 A. No. 11:32:11

16 Q. Are you familiar with Alex Halderman? 11:32:12

17 A. No. 11:32:14

18 THE REPORTER: What was the last name, 11:32:17

19 Tamara? 11:32:18

20 MS. WIESEBRON: Halderman, 11:32:19

21 H-A-L-D-E-R-M-A-N. 11:32:20

22 THE REPORTER: Thank you. 11:32:23

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1 Q. And so you're not aware that he provided 11:32:28  
2 an expert report in this litigation? 11:32:32

3 A. No. No. Sorry to have interrupted you. 11:32:34  
4 I apologize, but no. 11:32:39

5 Q. All right. 11:32:46

6 And do you -- so you're not aware that he 11:32:54  
7 is a cybersecurity expert? 11:32:57

8 A. I don't know him. 11:33:00

9 Q. Okay. And would you be interesting -- 11:33:04  
10 interested to find out what is in his expert 11:33:10  
11 report? 11:33:14

12 MS. JOHNSON: Object to form. You can 11:33:17  
13 answer. 11:33:18

14 A. If I -- yeah. If I knew who he was and I 11:33:20  
15 knew if he had anything relevant, sure. I'm always 11:33:24  
16 up to reading anything I can -- anything I can read 11:33:27  
17 to educate myself. 11:33:31

18 Q. And so you mentioned earlier that you're 11:33:40  
19 not familiar what this case is about? 11:33:45

20 A. Not offhand, no. 11:33:50

21 Q. And have you discussed this case with 11:33:53  
22 other State Election Board members? 11:33:57

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1 A. Not that I particularly recall this case. 11:34:03

2 We do have executive sessions where counsel comes 11:34:06

3 in and briefs the board on pending litigation, but 11:34:10

4 we've been sued a lot. So this case doesn't stand 11:34:15

5 out in my mind. 11:34:23

6 Q. Got it. 11:34:25

7 And have you personally discussed this 11:34:26

8 case with anyone? 11:34:28

9 A. No particular conversations come -- come 11:34:31

10 to mind. I suspect that if somebody came and said, 11:34:34

11 hey, I talked to you about this, I wouldn't have 11:34:43

12 any information to dispute them, but I don't recall 11:34:45

13 any particular conversations about this particular 11:34:48

14 case other than I talked to the lawyer yesterday or 11:34:51

15 the day before that I was having a deposition. 11:34:56

16 Q. Do you know anything about the serious 11:35:02

17 vulnerabilities that Mr. Halderman found? 11:35:07

18 MS. JOHNSON: Object to form. You can 11:35:11

19 answer. 11:35:12

20 A. I don't know anything about Halderman. 11:35:13

21 Q. Would you be interested to know what those 11:35:21

22 serious vulnerabilities are? 11:35:25

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1 MS. JOHNSON: Same objection. 11:35:28

2 A. Sure. If he's -- if he's -- if it's a 11:35:28

3 credible person who has relevant information, I 11:35:32

4 would be interest- -- always interested to hear it. 11:35:35

5 We get a lot of crackpots, but if he's -- if 11:35:38

6 he's -- if he's wise and has good data, I'm always 11:35:41

7 interested to hear it. 11:35:45

8 Q. Do you know whether the State Election 11:35:53

9 Board or anyone from the Secretary of State's 11:35:56

10 office has done anything to remedy the 11:36:01

11 vulnerabilities pointed out by Mr. Halderman? 11:36:05

12 MS. JOHNSON: Same objection. 11:36:10

13 A. I wouldn't know. 11:36:10

14 Q. Are you aware -- 11:36:12

15 A. I mean, if -- if I don't know about him, I 11:36:13

16 don't know about his recommendations, I wouldn't 11:36:17

17 know that I was instituting his recommendations, 11:36:20

18 but we might have instituted something of his 11:36:23

19 recommendations without me knowing it was 11:36:26

20 attributable to him. So it's hard to -- hard to 11:36:28

21 know. Or he might have had the same idea as 11:36:30

22 someone else. You never know. 11:36:39

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1 Q. Are you aware that Plaintiffs have asked 11:36:40  
2 the Secretary of State's office to provide a 11:36:42  
3 proposal to allow the Secretary of State and State 11:36:46  
4 Election Board members to have access to some or 11:36:52  
5 all of Mr. Halderman's sealed report? 11:36:54

6 MS. JOHNSON: Same objection. 11:37:00

7 A. I don't know -- I don't know anything 11:37:00  
8 about Mr. Halderman. 11:37:02

9 Q. Would you want to have been advised as a 11:37:12  
10 member of the State Election Board that a professor 11:37:14  
11 in cybersecurity has written a report about the 11:37:22  
12 vulnerabilities of -- 11:37:26

13 MS. JOHNSON: Same objection. 11:37:29

14 Q. -- Georgia's system? 11:37:29

15 MS. JOHNSON: I apologize. Same 11:37:30  
16 objections. 11:37:33

17 A. Yeah. If I -- if I knew the person's 11:37:36  
18 background and knew whether they were credible and 11:37:39  
19 what their theories were. There's a lot of 11:37:44  
20 professors writing a lot of stuff. So, you know, 11:37:46  
21 it would depend. 11:37:50

22 Q. But admittedly, someone that has a Ph.D. 11:37:55

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1 has some expertise in the area of cybersecurity, 11:38:00

2 right? 11:38:07

3 A. I mean, there's a lot of crackpots that 11:38:09

4 have Ph.D.'s writing a lot of stuff about election 11:38:14

5 law out there. 11:38:17

6 Q. Like who? 11:38:20

7 A. A guy named Bonifaz out in Ohio somewhere 11:38:23

8 comes -- springs to mind immediately. 11:38:28

9 Q. All right. 11:38:37

10 A. Wrote a book about how the election was 11:38:37

11 stolen from John Kerry in Ohio. 11:38:40

12 Q. Got it. 11:38:47

13 Are you aware that the Secretary of State 11:38:50

14 has hired their own experts in this litigation? 11:38:52

15 A. I think I read that from the same Atlanta 11:38:58

16 Journal article, but I would assume so. 11:39:03

17 Q. All right. Are you familiar with Dr. Juan 11:39:04

18 Gilbert? 11:39:08

19 A. No. 11:39:08

20 Q. And so are you familiar with the work he 11:39:13

21 has done in this case? 11:39:16

22 A. No. 11:39:17



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1 Q. So you would not know whether the 11:39:19  
2 Secretary of State's expert actually disputes the 11:39:25  
3 presence of vulnerabilities found in Alex 11:39:29  
4 Halderman's report, right? 11:39:35

5 MS. JOHNSON: Objection, form. You can 11:39:37  
6 answer. 11:39:38

7 A. Yeah. I don't know what their 11:39:39  
8 contentions -- I don't know what either person's 11:39:41  
9 contentions are. 11:39:44

10 Q. Would you want to find out whether 11:39:45  
11 Dr. Gilbert disputed the presence of the 11:39:47  
12 vulnerabilities that Mr. Halderman found? 11:39:51

13 A. The same limitations as on the previous 11:39:56  
14 person. If they're -- if they're a wise person 11:39:59  
15 with good experience and useful knowledge, sure, 11:40:02  
16 I'm always up for more information rather than 11:40:06  
17 less. 11:40:10

18 Q. Has the State Election Board ever had a 11:40:14  
19 cybersecurity expert examine the BMD election 11:40:17  
20 system? 11:40:23

21 A. Not that -- not that comes to my mind. It 11:40:25  
22 could have been, but doesn't come to my mind. 11:40:28

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1 Q. So without any examination from a 11:40:33  
2 cybersecurity expert how do you know if the BMD 11:40:39  
3 system is secure? 11:40:45

4 A. Well, I know they have to be approved -- I 11:40:47  
5 think I know that they have to be approved by the 11:40:49  
6 U.S. Election Commission, Election Assistance 11:40:51  
7 Commission or election commission. They have to be 11:40:56  
8 approved or an authorized vendor. They have to go 11:40:59  
9 through checks. The Secretary of State checks 11:41:03  
10 them, the vendor checks them. So there's all kind 11:41:05  
11 of checks and -- and verifications before these 11:41:08  
12 things are put out in the system. 11:41:11

13 They also run checks that are open to the 11:41:13  
14 public, if I'm not mistaken. In various -- some 11:41:15  
15 counties are more allowable about getting close, 11:41:25  
16 some are keep you behind glass windows, but I think 11:41:28  
17 those are open to the public, if I'm not mistaken. 11:41:32  
18 But I would imagine before they're put into use 11:41:42  
19 there's all kinds of checks on them. 11:41:45

20 Q. And do you know what kind of checks? 11:41:59

21 A. No. 11:42:02

22 Q. Do you discuss with the State Election 11:42:06

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1 Board what kind of checks are put on these 11:42:07

2 machines? 11:42:10

3 A. No such conversations spring to mind. 11:42:13

4 Q. Okay. So -- 11:42:31

5 A. I mean, in a particularized form. For 11:42:31

6 example, when there were allegations made recently 11:42:34

7 that the machines flipped votes, we would -- we 11:42:38

8 would have -- well, we have the paper and we 11:42:40

9 counted the paper. So we know that they didn't 11:42:42

10 flip votes because we counted the paper. So we'd 11:42:45

11 have conversations about that, but with regard to 11:42:47

12 the intricacies of certifications and does it have 11:42:50

13 this certification, that's not -- that's not 11:42:53

14 something that I recall us doing. 11:42:56

15 Q. When you say "counting the paper," you're 11:42:59

16 referring to audits, right? 11:43:06

17 A. Yeah. The presidential election. 11:43:07

18 Q. Okay. 11:43:10

19 A. Specifically. 11:43:11

20 Q. And does an audit compare the paper 11:43:12

21 ballots to the cast ballot records on the machine? 11:43:16

22 A. The one that I observed in Fulton County, 11:43:21

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1 that's what I recall, correct.

11:43:23

2 Q. So they did -- so from what you recall in  
3 Fulton County the audit did compare the ballots --  
4 the paper ballots to the cast ballots recorded on  
5 the machines?

11:43:28

11:43:33

11:43:37

11:43:39

6 A. Yeah. They selected a very -- they  
7 selected a random sample by throwing dice, and that  
8 told them how they were going to cut the stack.

11:43:40

11:43:43

11:43:48

9 And then they counted the ballots and then they ran  
10 them through the machine and they compared did they  
11 come up with the same total. And I recall it was  
12 within -- well within tolerances, but I don't  
13 recall what the tolerances were. It was some -- it  
14 was some fraction of the allowed -- I mean, it's  
15 some very small fraction of the allowable  
16 tolerances.

11:43:50

11:43:53

11:43:56

11:43:58

11:44:01

11:44:07

11:44:10

11:44:12

17 Q. Okay. Can you explain in any more detail  
18 step by step how these audits take place?

11:44:19

11:44:21

19 A. No. I've pretty much told you all I can  
20 recall.

11:44:25

11:44:28

21 Q. Okay. What would happen if the results of  
22 an audit indicate a different outcome than the

11:44:30

11:44:34

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1 results the machines tabulated? 11:44:39

2 A. I don't know. I'd have to look that up. 11:44:47

3 I don't know. 11:44:49

4 Q. Do you know if there's a remedy under 11:44:52

5 Georgia law for that? 11:44:54

6 A. I'd have to look that up. 11:44:57

7 Q. Do you know whether there is any way for 11:45:00

8 that election outcome to be declared invalid or to 11:45:04

9 rerun the election if the results of an audit 11:45:10

10 indicate a problem? 11:45:14

11 A. There are election contest mechanisms and 11:45:19

12 there are -- the remedy -- the general remedy in 11:45:22

13 Georgia for a nonpresidential race is a new 11:45:27

14 election, but with regard -- I don't think -- I 11:45:35

15 don't know what -- I'd have to look up what the -- 11:45:38

16 what this system's processes are. 11:45:41

17 Q. You just mentioned a remedy for a 11:45:46

18 nonpresidential race would be a new election. How 11:45:50

19 about for -- 11:45:54

20 A. Right. 11:45:56

21 Q. And where does that authority come from? 11:45:57

22 A. Which authority? 11:45:59

1 Q. To -- for the remedy to be a new election. 11:46:02

2 A. That's in the Georgia code. 11:46:04

3 Q. Okay. 11:46:06

4 A. I believe. 11:46:07

5 Q. And how about for a presidential race, do 11:46:09

6 you know if there's any remedy? 11:46:15

7 A. Yeah. The presidential race is different, 11:46:16

8 a different bird because the whole country has to 11:46:19

9 vote on the same day and they have to have their 11:46:22

10 totals in on the same -- they have to be finished 11:46:25

11 on the same day. And so you can't have -- you 11:46:28

12 can't rerun a presidential election. So the only 11:46:31

13 remedy that I'm aware of is that you object to the 11:46:34

14 seating of the electors, and I believe that's an -- 11:46:37

15 I believe that's an act that sets that up. 11:46:46

16 Q. You mentioned that the only audit that you 11:46:51

17 are familiar with was the Fulton County in the 11:46:54

18 presidential election. Was that the November 2020 11:47:01

19 election? 11:47:04

20 A. I believe -- I can't remember. I don't 11:47:07

21 recall. I don't recall whether it was a primary or 11:47:09

22 the general. Come to think -- as I'm thinking, as 11:47:13

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1 I'm processing it, I don't believe it was the 11:47:18

2 general. I believe it was probably the primary. 11:47:20

3 Q. Okay. And so are you aware of whether any 11:47:31

4 audits were done for the presidential November 2020 11:47:35

5 election? 11:47:39

6 A. If I'm not mistaken, the full hand recount 11:47:43

7 was part of an audit process, if I'm not mistaken. 11:47:47

8 Q. And are you aware -- sorry. Go ahead. 11:47:54

9 A. The Secretary of State was allowed to 11:47:57

10 select a race, and he selected the presidential 11:47:59

11 race. 11:48:03

12 Q. And are you aware of how that audit was 11:48:06

13 performed? 11:48:09

14 A. Only in -- only in very general terms. 11:48:12

15 They -- only in very general terms. They counted 11:48:15

16 the paper. 11:48:20

17 Q. And do you know for that audit if they 11:48:21

18 compared the paper ballot count to the cast ballot 11:48:23

19 records on the machines? 11:48:28

20 A. Only in general terms that the reports 11:48:31

21 were that the tallies were very similar. 11:48:36

22 Q. So when you say "only in general terms," 11:48:42

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1 do you know whether the paper ballots were compared 11:48:48

2 to the machine-counted ballots or not? 11:48:53

3 A. Only in hearing reports that people said 11:48:58

4 that they compared the paper to the machine count 11:49:00

5 and they were similar. 11:49:04

6 Q. Okay. When you say "in hearing reports," 11:49:07

7 where did the reports come from? 11:49:11

8 A. The Secretary of State's office and 11:49:14

9 reading it in the paper. 11:49:17

10 Q. So the Secretary of State provided the 11:49:22

11 State Election Board with reports about the audit? 11:49:26

12 A. I don't -- I don't believe there was an 11:49:32

13 official written report, but it would be verbal 11:49:33

14 communication. I'm sure -- I'm sure I talked about 11:49:36

15 it with Ryan Germany. I'm probably sure -- I'm 11:49:42

16 probably pretty confident I talked to the secretary 11:49:45

17 about it. I'm probably pretty -- I'm probably very 11:49:47

18 confident that I spoke to the press office about it 11:49:52

19 because I was getting a lot of requests for 11:49:54

20 interviews. 11:49:57

21 Q. And so you were -- and so could you 11:50:18

22 provide a step-by-step process of how those 11:50:20



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1 November 2020 audits took place?

11:50:23

2 A. (Inaudible).

11:50:35

3 Q. Was the full hand count for the November

11:50:36

4 2020 election the norm?

11:50:39

5 MS. JOHNSON: Object to form.

11:50:41

6 A. It's a new system. So I don't think

11:50:42

7 there's a norm yet.

11:50:46

8 Q. Okay. Would you expect the same scrutiny

11:50:52

9 in all future elections for all future contestants?

11:50:53

10 A. Yeah. We're in a -- we're in a -- we're

11:50:58

11 in a world -- we're in a world that's only going to

11:51:03

12 get worse.

11:51:05

13 Q. In what respect?

11:51:06

14 A. Just both parties are out there calling

11:51:09

15 into question the results of the election. We just

11:51:13

16 had Terry McAuliffe the other day say that

11:51:18

17 1.4 million people were disenfranchised in Georgia.

11:51:20

18 I mean, he just said this the other day. So, you

11:51:24

19 know, that's not going to help anybody's confidence

11:51:28

20 in the system. So every -- you know, sadly,

11:51:31

21 everybody who loses didn't just get beat, they got

11:51:35

22 cheated. I mean, it doesn't get better.

11:51:38

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1 Q. So just to be clear --

11:51:45

2 A. Terry McAuliffe just proved that it

11:51:47

3 doesn't get better by saying that outlandish

11:51:50

4 statement. That would have been a tenth of the

11:51:53

5 people -- a tenth of the registered voters in

11:51:58

6 Georgia wanted to vote and were prohibited from

11:52:01

7 voting and thus disenfranchised. So I mean, just

11:52:04

8 an outrageous -- outrageous statement, but he got a

11:52:08

9 lot of press out of it and a lot of people believed

11:52:12

10 him even though it's just an outrageous comment.

11:52:15

11 Q. Understood.

11:52:18

12 So just to clarify, you expect the same

11:52:19

13 full recount -- recount for all future elections;

11:52:22

14 is that right?

11:52:25

15 A. I expect --

11:52:29

16 MS. JOHNSON: Object to form.

11:52:30

17 THE WITNESS: I expect the same level of

11:52:30

18 scrutiny by the candidates and the public. I don't

11:52:32

19 know what that -- that scrutiny will take, but I

11:52:35

20 expect the same level of heightened scrutiny.

11:52:37

21 Q. Okay. But as a State Election Board

11:52:41

22 member do you expect there to be the same full

11:52:44

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1 recount that took place in the November 2020 11:52:49

2 election to take place in all future contests? 11:52:52

3 A. It really -- it depends -- it depends. We 11:52:59

4 don't have but two elections -- two major 11:53:03

5 elections, the primary and the general -- well, 11:53:07

6 three now, the runoff, and so it's going to really 11:53:10

7 depend. You might have a presidential race that's 11:53:14

8 10 points, 12 points, and you might have a 11:53:18

9 governor's race that's 300 votes. So you would 11:53:21

10 recount the governor -- you might recount the 11:53:25

11 governor's race instead of the presidential race. 11:53:30

12 So it's going to really depend -- excuse me -- but 11:53:33

13 the level of scrutiny is not going to -- is not 11:53:35

14 going to diminish. 11:53:38

15 Q. Okay. 11:53:39

16 And you mentioned earlier that the 11:53:42

17 Secretary of State explained to you that they 11:53:47

18 did -- how they did the audit; is that right? 11:53:50

19 A. No. He reported to me that the audit -- 11:53:55

20 the hand count and the machine tally were similar. 11:53:58

21 Q. Okay. And can you explain in more detail 11:54:02

22 how they figure that out? 11:54:06

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1           A. No. He just came to me and said we've -- 11:54:09  
2 we've done the full recount and the results are 11:54:12  
3 similar. 11:54:16

4           Q. Okay. But you know -- you've testified 11:54:17  
5 earlier that the machine -- the votes that are 11:54:21  
6 tabulated by the machine are reflected in the QR 11:54:27  
7 code, right? 11:54:36

8           A. That's the way I understand it, yes. 11:54:36

9           Q. And now you're testifying that the audit 11:54:38  
10 counted the human readable version of the receipt, 11:54:40  
11 right? 11:54:44

12          A. Yeah. What I watched down in Fulton, they 11:54:45  
13 compared what the humans counted to what the 11:54:50  
14 machine counted. 11:54:52

15          Q. Right. And how do they do that? 11:54:56

16          A. They threw dice, they cut the stack of 11:54:59  
17 ballots, they counted those ballots, and they ran 11:55:03  
18 it through the machine and they compared whether 11:55:10  
19 they were the same or not. And they said there was 11:55:12  
20 some kind of tolerance that it was allowed to be 11:55:17  
21 within 1 percent or something and it was some 11:55:20  
22 fraction of that, like 1/10th of 1 percent was the 11:55:23

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1 difference. So it was well within the tolerances. 11:55:26

2 That's all I remember. 11:55:30

3 Q. But do you know -- 11:55:38

4 A. And -- go ahead. 11:55:40

5 Q. Okay. Do you know whether they compared 11:55:41

6 each single paper ballot to the machine-recorded 11:55:45

7 ballot? 11:55:53

8 MS. JOHNSON: Object to form. 11:55:55

9 A. Yeah. My recollection was they did them 11:55:56

10 in batches. 11:55:58

11 Q. Okay. So just to clarify, you did not 11:56:04

12 hear from the Secretary of State that they compared 11:56:08

13 every single paper ballot to that same single 11:56:13

14 machine-recorded ballot, right? 11:56:19

15 A. Yeah. I would have -- I would have 11:56:23

16 thought that would have been a very time-consuming 11:56:25

17 waste of time to run each ballot individually 11:56:28

18 through the machine. I would think that would take 11:56:32

19 forever. 11:56:36

20 Q. Understood. 11:56:39

21 Let's see. Okay. Are you aware that 11:56:45

22 malware could be introduced to BMD machines through 11:57:01

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1 USB sticks? 11:57:08

2 MS. JOHNSON: Object to form. You can 11:57:09

3 answer. 11:57:10

4 A. In different contexts, in artificial 11:57:17

5 circumstances in the lab I would imagine it would 11:57:19

6 be pretty easy to set up an artificial way to do 11:57:27

7 that. Out in the wild in a real election my 11:57:30

8 primary knowledge is the testimony that was given 11:57:35

9 in the Athens-Clarke County case where a 11:57:38

10 representative I believe from Dominion said that 11:57:42

11 the machines -- if someone were to stick a USB 11:57:45

12 stick in it, it would shut down. 11:57:48

13 Now, how they do updates, whether they -- 11:57:51

14 I don't know how they do that, but that's all I 11:57:53

15 recall is that testimony. 11:57:56

16 Q. I believe you -- did you testify earlier 11:58:02

17 that you weren't aware that the Secretary of State 11:58:08

18 had a contract with Dominion for Dominion to 11:58:10

19 provide the machines for -- 11:58:16

20 A. I don't know what -- I'm sorry. Go ahead. 11:58:18

21 I'm sorry to interrupt. I apologize. 11:58:20

22 Q. No. That's okay. 11:58:22

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1 A. Yeah. I don't know who's on the contract. 11:58:24

2 Q. Okay. But you know that Dominion provides 11:58:26

3 the machines to Georgia? 11:58:28

4 MS. JOHNSON: Object to form. 11:58:33

5 A. That's what I -- that's what I generally 11:58:35

6 accept to be true. 11:58:37

7 Q. Okay. 11:58:41

8 A. I don't know -- I don't know who's on the 11:58:41

9 contract. I haven't seen the contract. 11:58:43

10 Q. And so you're saying that your only 11:58:44

11 knowledge of whether malware can or cannot be 11:58:46

12 introduced is through testimony of a Dominion 11:58:52

13 representative? 11:58:56

14 MS. JOHNSON: Object to form. 11:58:59

15 A. That's -- that's one way. The other way 11:59:00

16 is just the general security mechanisms. If you -- 11:59:02

17 if you have a stranger in a secured area sticking 11:59:10

18 things in your machines, you would expect people to 11:59:12

19 say, hey, why is that person sticking things in the 11:59:15

20 machine, what are they doing there. 11:59:19

21 So there's -- there's more methods, but I 11:59:20

22 think you asked if the public could stick a USB 11:59:24

1     into the machine, and that -- my only knowledge of     11:59:28  
2     that comes from I think the Dominion representative     11:59:33  
3     in Athens. I do -- whoever it was that was     11:59:35  
4     testifying said that if somebody tried to stick a     11:59:39  
5     malware into the machine, it would shut down.     11:59:43  
6             And now that I think about it, I also     11:59:46  
7     recall that there's a person who -- at the county     11:59:48  
8     level, at the precinct whose job it is to kind of     11:59:52  
9     make sure that people aren't sticking things into     11:59:56  
10    the machine because I remembered, again, at the     11:59:59  
11    Athens-Clarke County case there was a big issue     12:00:04  
12    about where does this person stand and can they see     12:00:07  
13    the machine, et cetera, and how do we -- how do we     12:00:09  
14    locate the people. So I remember that.     12:00:11  
15             Q. So --     12:00:24  
16             A. I mean, and then you run your tapes. And     12:00:26  
17    so there's all -- there's many levels of security     12:00:28  
18    that go into it.     12:00:30  
19             Q. What are the levels of security that go     12:00:33  
20    into it?     12:00:34  
21             A. You've got -- you've got seals on the --     12:00:37  
22    you've got seals on the containers that have to be     12:00:39



1 checked. You have sealed containers to begin with. 12:00:42  
2 Only certain permitted people are allowed to move 12:00:46  
3 the machines, unload the machines. They're kept 12:00:50  
4 in -- they're supposed to be kept in secured areas. 12:00:55  
5 They print out a tape at the end of the day that 12:01:00  
6 they publish on the -- on the door of the precinct 12:01:03  
7 that we always go look at and compare that to what 12:01:09  
8 the report is when it gets counted by the county 12:01:12  
9 and see if they're even -- even one vote off. We 12:01:15  
10 compare precinct returns to what we expected the 12:01:18  
11 precinct to return. Just lots and lots of 12:01:23  
12 different layers of people looking at it. 12:01:29  
13 Q. All right. But have you discussed with 12:01:35  
14 other members of the State Election Board whether 12:01:38  
15 malware could be introduced using USB sticks? 12:01:44  
16 A. Yeah, I don't -- 12:01:49  
17 MS. JOHNSON: Objection. You can 12:01:50  
18 answer. 12:01:52  
19 THE WITNESS: I don't recall having any 12:01:52  
20 conversations with the board. 12:01:53  
21 Q. Is that -- 12:01:56  
22 A. Other board members. 12:01:57

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1 Q. Is that an issue that concerns you as a 12:01:59  
2 State Election Board member? 12:02:02

3 A. In theory it concerns me. In practice it 12:02:10  
4 doesn't -- I have very little concern, virtually 12:02:14  
5 zero concern that it could actually happen. 12:02:18

6 Q. Why is that? 12:02:21

7 A. Just because there's so many layers of 12:02:23  
8 protection, it's so hard to do, there's so few 12:02:24  
9 people that have the capability of doing it, and 12:02:29  
10 when you compare it to like a paper ballot where 12:02:32  
11 anybody with a pen can do it, just the 12:02:35  
12 opportunities of being able to do it is just so 12:02:38  
13 remote. I have -- it's a number indistinguishable 12:02:43  
14 from zero concern that it could actually been done. 12:02:52

15 In addition we had the DRE's in effect for 12:02:55  
16 20 years, and I don't know of any election anywhere 12:02:58  
17 from dog catcher to president where somebody proved 12:03:01  
18 that a machine was hacked credibly, even credibly 12:03:04  
19 alleged it. There was one down in -- a 12:03:11  
20 congressional race in Florida that they re-entered 12:03:15  
21 into the machines and the problem was the human 12:03:18  
22 error in the entry, but I'm not aware of any 12:03:20

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1 election anywhere that's reported to have been 12:03:23

2 hacked on a DRE or a BMD. Yeah. My level of 12:03:25

3 confidence in the BMD's is hundred percent. 12:03:32

4 Q. Do you know if BMD's are connected to the 12:03:48

5 Internet to receive updates? 12:03:51

6 A. I do not know. 12:03:55

7 Q. Would that concern you if BMD's were 12:04:02

8 connected to the Internet to receive updates? 12:04:08

9 A. I would want to know why and I would want 12:04:10

10 to know what protections are built in and is it 12:04:12

11 encrypted, is it not encrypted. I would want to 12:04:18

12 know -- I would want to know why. So there's so 12:04:23

13 much effort -- there's so much effort put into 12:04:30

14 these things not being connected. So I would want 12:04:33

15 to know why, what's the reason for this. 12:04:37

16 Q. And do you understand why there's effort 12:04:42

17 put into having equipment not be connected to the 12:04:44

18 Internet? 12:04:51

19 A. Yeah. When we -- when we first -- when we 12:04:52

20 first entered -- introduced DRE's into the -- into 12:04:55

21 the system we had a race out in Cobb County where a 12:05:00

22 candidate changed parties 15 minutes before the 12:05:05

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1 deadline and had a write-in independent candidate, 12:05:10

2 and that's when the machines were connected to the 12:05:15

3 Internet. And so we had all the election results 12:05:19

4 at 7:05 p.m. The polls closed at 7:00 and within 12:05:21

5 minutes the election was over and -- but then 12:05:27

6 everybody objected that the DRE's were connected to 12:05:31

7 the Internet. So you couldn't do that anymore. 12:05:34

8 So ever -- ever since that time, which was 12:05:39

9 maybe 20 years ago, it's been a big -- it's been a 12:05:41

10 big thing that people don't want them connected to 12:05:44

11 the Internet. I loved it -- I loved it when we had 12:05:47

12 the results within five minutes. 12:05:50

13 Q. So -- 12:05:52

14 A. But I understood -- I understood the 12:05:53

15 security concerns too. 12:05:55

16 Q. Okay. So you understand that there's 12:05:56

17 security concerns with the machines being connected 12:05:59

18 to the Internet? 12:06:01

19 A. Sure. Any -- any time you connect 12:06:02

20 something to the Internet. 12:06:04

21 Q. Okay. 12:06:07

22 Do you know whether any of the computer 12:06:09

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1 equipment -- sorry -- whether any of the voting 12:06:10

2 equipment used in Georgia's election system is able 12:06:14

3 to connect to the Internet? 12:06:17

4 MS. JOHNSON: Object to form. You can 12:06:21

5 answer. 12:06:21

6 A. Define voting equipment. 12:06:22

7 Q. Well, there are different components of 12:06:28

8 Georgia's election system, right? 12:06:33

9 A. Right. There's like poll pads and those 12:06:35

10 might have a good reason to be connected so that 12:06:40

11 you can have up-to-date information to prohibit 12:06:43

12 people from voting in one precinct and moving to 12:06:45

13 another. So those might have to be updated and 12:06:49

14 connected to prevent double voting. But as far as 12:06:52

15 the casting of the ballots and tallying the 12:06:56

16 ballots, other than the math, I don't know that -- 12:07:00

17 I don't know that anything's connected to the 12:07:10

18 Internet in that part. 12:07:14

19 Q. Do you know whether there's some computer 12:07:17

20 equipment used to update the BMD machines? 12:07:20

21 MS. JOHNSON: Object to form. 12:07:26

22 A. Yeah. I've seen them updated by 12:07:28

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1 technicians in person. I've never seen them done 12:07:31  
2 over the Internet. 12:07:34

3 Q. Okay. Would you want the computer 12:07:35  
4 equipment used to update and program BMD machines 12:07:37  
5 to be connected to the Internet? 12:07:43

6 MS. JOHNSON: Same objections. 12:07:49

7 A. Me -- yeah. Me personally I'd want to 12:07:51  
8 know the reason, but that would be something for 12:07:54  
9 the General Assembly. The people's representatives 12:07:56  
10 are to decide that in my opinion. 12:08:00

11 Q. Okay. And you'd want to know the reason. 12:08:06  
12 Why is that? 12:08:11

13 A. Just so you can do the weighing of the 12:08:12  
14 cost and the risks and the benefits. The reason we 12:08:15  
15 need to do this is because we have to do something 12:08:19  
16 throughout the entire state at exactly the same 12:08:23  
17 second. Okay. Well, what's the reason for that? 12:08:25  
18 You know, so you would hear reasons why -- why it 12:08:32  
19 has to be done that way and what's the trade-off, 12:08:34  
20 but generally that should be -- that should be an 12:08:39  
21 issue for the people's representatives, not the 12:08:41  
22 board. 12:08:43

		Page 79
1	Q. Got it.	12:08:46
2	Do you know if any part of the previous	12:08:50
3	DRE system was transferred to the current BMD	12:08:54
4	system?	12:08:59
5	A. No, I do not know.	12:09:00
6	Q. Is that something that you discussed among	12:09:05
7	secretary -- sorry -- State Election Board members?	12:09:09
8	A. Yeah, not that I recall.	12:09:13
9	Q. So you were not interested to know whether	12:09:20
10	any part of the previous DRE system was transferred	12:09:24
11	to the current BMD system?	12:09:28
12	MS. JOHNSON: Object to form.	12:09:32
13	A. It actually didn't occur to me until you	12:09:33
14	just asked the question.	12:09:36
15	Q. Okay. Are you familiar with a company	12:09:40
16	Fortalice?	12:10:02
17	A. No.	12:10:03
18	THE REPORTER: Can you spell that?	12:10:03
19	MS. WIESEBRON: F-O-R-T-A-L-I-C-E.	12:10:06
20	THE REPORTER: Thank you.	12:10:10
21	THE WITNESS: No.	12:10:14
22	Q. Okay. So you're not aware that the	12:10:18

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1 Secretary of State hired Fortalice to conduct 12:10:21

2 assessments of its IT systems? 12:10:25

3 A. I don't know anything about that company. 12:10:29

4 Q. Okay. 12:10:35

5 I guess as the -- does the State Election 12:10:38

6 Board inquire with the Secretary of State what type 12:10:42

7 of security measures it has in place for the 12:10:45

8 Georgia voting? 12:10:52

9 A. Not a 30,000-foot view, but from a 12:11:00

10 thousand, 1,500-foot view and then if there's 12:11:04

11 anything of particular concern we can drill down on 12:11:08

12 it. Secretary of State's always been very gracious 12:11:10

13 and helpful and the staff has been very gracious 12:11:13

14 and helpful to provide us any information that 12:11:16

15 we -- that we want to find out. They're 12:11:18

16 extraordinarily helpful. 12:11:24

17 Q. Okay. So you never asked what type of 12:11:28

18 security measures the Secretary of State put in 12:11:35

19 place for Georgia elections? 12:11:38

20 A. From a thousand to 1,500-foot view and 12:11:46

21 then drill down on anything that I wanted to know 12:11:50

22 in particular, but nothing really specific comes to 12:11:52



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1 mind. But, you know, it's always -- it's always 12:11:55  
2 something that you discuss because it's always one 12:11:58  
3 of the variables that you take into consideration, 12:12:01  
4 well, you know, what are we doing to protect 12:12:04  
5 against bad actors. 12:12:06

6 So that's -- you know, that's a constant, 12:12:09  
7 but, you know, asking can I see this -- can I see 12:12:12  
8 how this particular program code is written, no. 12:12:17

9 Q. Okay. And so what methods have you 12:12:22  
10 discussed with the Secretary of State that they 12:12:35  
11 have implemented to protect Georgia elections from 12:12:40  
12 security vulnerabilities? 12:12:43

13 A. One that comes to mind is the Georgia 12:12:49  
14 State Senate there was some sort of inventor fellow 12:12:51  
15 who said he had hacked into the system in an 12:12:55  
16 ongoing election. And so you ask did this guy 12:13:00  
17 really hack into the system in an ongoing election, 12:13:05  
18 and they're like no because, A, he couldn't have 12:13:08  
19 gotten into this because it's not possible. So, 12:13:11  
20 you know, that's one instance that pops to mind. 12:13:15

21 So instances that get reported on that 12:13:21  
22 raise concerns like this you'll say, okay, give me 12:13:22

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1 the scoop on this and tell me what the answer is, 12:13:27  
2 but that's the one that just pops right into my 12:13:30  
3 mind. 12:13:32

4 Q. Have you discussed any preventative 12:13:33  
5 methods with the Secretary of State that they have 12:13:36  
6 implemented to protect Georgia elections from 12:13:41  
7 security vulnerabilities? 12:13:45

8 MS. JOHNSON: Object to form. You can 12:13:47  
9 answer. 12:13:48

10 A. It comes up -- it's a constant theme. So 12:13:48  
11 it al- -- you know, it always comes up, but any -- 12:13:54  
12 the specific instance didn't -- doesn't really come 12:13:57  
13 to mind. But security is something that we're 12:13:59  
14 very, very, very, very cognizant of and take very, 12:14:02  
15 very seriously. 12:14:06

16 Q. But you're not aware that the Secretary of 12:14:10  
17 State hired a company called Fortalice to conduct 12:14:13  
18 assessments of its security vulnerabilities? 12:14:17

19 A. No. But I'm confident that if I were to 12:14:20  
20 ask them to fill me in on it they would -- they 12:14:31  
21 would be more than -- more than gracious to do so. 12:14:34  
22 They've always been extraordinarily helpful in 12:14:37

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1     answering any questions that I have had on the     12:14:39  
2     board.     12:14:41

3             Q.   Understood.     12:14:46

4                     Have you heard complaints from voters     12:14:47  
5     about Georgia's election system being hackable?     12:14:49

6             A.   Not -- not from people other than interest     12:15:00  
7     groups, but not -- not the general -- not the     12:15:03  
8     general public because, you know, the reporting is     12:15:07  
9     that it's not -- I haven't heard a lot of concern     12:15:16  
10    from anybody that's not connected to an interest     12:15:19  
11    group.   The general public it just doesn't come up     12:15:23  
12    a lot.     12:15:26

13            Q.   Okay.     12:15:27

14            A.   It did come up a lot with mail.   They     12:15:28  
15    did -- yeah, there were a lot -- come to think of     12:15:31  
16    it, there were a lot of conversations about mail.     12:15:32  
17    A lot of people didn't like -- didn't like the mail     12:15:35  
18    and were concerned about ballot harvesting and I'm     12:15:37  
19    not sure my ballot's going to get there and I'm not     12:15:42  
20    sure my ballot's going to get counted and I'm not     12:15:44  
21    sure if somebody's going to mark it when it gets     12:15:48  
22    there to the County, if I didn't vote a race     12:15:50

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1 somebody's going to fill it in for me. So there 12:15:51  
2 was a lot of concern about the mail, but the BMD's 12:15:54  
3 I've heard universally praised from people that 12:15:58  
4 aren't aligned with interest groups. People love 12:16:03  
5 them. 12:16:08

6 Q. Have you attended State Election Board 12:16:10  
7 meetings where comments about rules are made from 12:16:13  
8 the general public? 12:16:19

9 A. Oh, sure. They have public comment at 12:16:20  
10 almost every -- every meeting. 12:16:25

11 Q. And during these meetings you don't 12:16:27  
12 remember any public comments about security 12:16:28  
13 vulnerabilities being a concern? 12:16:34

14 A. From people aligned with interest groups, 12:16:38  
15 that's a recurring theme. With particular agendas 12:16:40  
16 they will come and repeat their same concerns 12:16:48  
17 every -- every meeting, but among the general 12:16:51  
18 public it's just not been something that there's 12:16:53  
19 been a ground swell of. I mean, they -- usually a 12:16:56  
20 lot of people will identify themselves, I'm 12:17:01  
21 so-and-so and I'm from this organization and I'm 12:17:04  
22 here because of this, but, you know, the general 12:17:06

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1 public at large, they're more worried about the 12:17:12  
2 county didn't send their absentee ballot to them on 12:17:15  
3 time. I don't hear -- I don't hear QR code 12:17:19  
4 questions from anybody that's not aligned with an 12:17:24  
5 interest group. 12:17:26

6 Q. And does being aligned with an interest 12:17:29  
7 group make their concerns any less valid? 12:17:32

8 A. Well, in some ways it does, in some ways 12:17:39  
9 it doesn't. So let's break that down. 12:17:42

10 In the way that it does, if they -- what 12:17:45  
11 they say evidences that they're merely parroting 12:17:48  
12 what they read off the Internet, they lose 12:17:52  
13 credibility. If they come in and give evidence of 12:17:56  
14 this is what I did when I was out watching the 12:18:00  
15 tabulation and this is what I saw, they have great 12:18:03  
16 credibility. 12:18:06

17 Q. You mentioned earlier that some of these 12:18:14  
18 interest groups have particular agendas. What 12:18:16  
19 agendas were you thinking about? 12:18:25

20 A. There are some that come in and say we 12:18:29  
21 don't want any system other than hand-marked paper 12:18:31  
22 ballots counted by humans and we won't accept 12:18:34

1 anything else, and so that's their -- that's their 12:18:39  
2 view. So that's okay. Take it -- you know, take 12:18:40  
3 it to the General Assembly and see if you can get 12:18:41  
4 people to agree with you. 12:18:43

5 Q. Got it. 12:18:51

6 Okay. I would like to share an exhibit, 12:19:03  
7 but I need to figure this out. Maybe this is a 12:19:13  
8 good time for a few-minute break if that sounds 12:19:19  
9 good to you. 12:19:25

10 MS. JOHNSON: Tamara, how much longer do 12:19:27  
11 you think you're going? Do you think we'll need a 12:19:28  
12 lunch break at some point soon or -- 12:19:30

13 MS. WIESEBRON: That's a good point. 12:19:33

14 MS. JOHNSON: -- wrapping up soon? 12:19:35

15 THE VIDEOGRAPHER: Should we go off the 12:19:36  
16 record? 12:19:38

17 MS. JOHNSON: Yeah. Thank you. 12:19:39

18 THE VIDEOGRAPHER: We're going off the 12:19:40  
19 record. The time is 12:19 p.m. 12:19:41

20 (A short break was had.) 12:28:13

21 THE VIDEOGRAPHER: We're back on the 12:28:40  
22 record. The time is 12:28 p.m. 12:28:41

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1 BY MS. WIESEBRON: 12:28:45

2 Q. All right. So the Veritext software is 12:28:45

3 working for me again. So I'm going to introduce an 12:28:50

4 exhibit, and it's telling me that it's distributing 12:28:53

5 the file right now. So hopefully you receive it on 12:28:58

6 your end as well. 12:29:08

7 MS. JOHNSON: So we're not logged in to 12:29:10

8 the exhibit share right now. Is that what you're 12:29:11

9 using? 12:29:14

10 MS. WIESEBRON: Yeah. That would be great 12:29:16

11 if you could log in because it started working 12:29:17

12 again, but if not -- 12:29:25

13 MS. JOHNSON: Okay. 12:29:26

14 MS. WIESEBRON: -- find a different way. 12:29:26

15 MS. JOHNSON: All right. Let's go off the 12:29:26

16 record for a minute just while we get the exhibit 12:29:27

17 share up. 12:29:31

18 THE VIDEOGRAPHER: We're going off the 12:29:33

19 record. The time is 12:29 p.m. 12:29:34

20 (A short break was had.) 12:31:43

21 THE VIDEOGRAPHER: We're back on the 12:31:51

22 record. The time is 12:31 p.m. 12:31:52

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1 (Mashburn Exhibit 1 was marked 12:31:56

2 for identification.) 12:31:56

3 BY MS. WIESEBRON: 12:31:58

4 Q. All right. So I've just introduced 12:31:58

5 Exhibit 1. Have you been able to pull it up on 12:32:01

6 your screen? 12:32:05

7 A. They told me how and then I've immediately 12:32:09

8 forgotten. They are very knowledgeable here, but 12:32:12

9 I'm -- okay. Yep, I've got it. Exhibit 1, 12:32:23

10 Mashburn. I've got it. 12:32:28

11 Q. Okay. Great. 12:32:32

12 So these are State Election Board minutes 12:32:39

13 pulled from the State Election Board Website. Do 12:32:44

14 you recognize this document? 12:32:47

15 A. I recognize the format, yes. 12:32:50

16 Q. Okay. And do you see that under "Board 12:32:53

17 members present" there is your name? 12:32:57

18 A. Yes. 12:33:04

19 Q. Okay. 12:33:05

20 A. My name is listed under "Board members 12:33:05

21 present," correct. 12:33:07

22 Q. And do you see the date of this meeting 12:33:08



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1 was Friday, February 28th, 2020?

12:33:11

2 A. I see that. Friday, February 28th, 2020,

12:33:15

3 correct.

12:33:18

4 Q. Do you recall attending this meeting?

12:33:20

5 A. I don't have an independent recollection

12:33:25

6 of it, no.

12:33:27

7 Q. Okay.

12:33:28

8 I'd like to scroll to page 2. There under

12:33:29

9 Roman numeral 4 there's a "Presentation of rules

12:33:40

10 petition"; do you see that?

12:33:44

11 A. Yes. Roman numeral 4, "Presentation of

12:33:45

12 rules petition."

12:33:49

13 Q. Is it fair to assume that this list are

12:33:51

14 proposed rules that you discussed during the

12:33:55

15 meeting?

12:33:57

16 A. Our minutes are usually very accurate. So

12:34:00

17 the minutes that we are presented with and approve

12:34:03

18 I trust, yes.

12:34:06

19 Q. Proposed rule 5 says "Preservation of

12:34:10

20 memory cards"; do you see that?

12:34:13

21 A. Yes, "Proposed rule 5, preservation of

12:34:17

22 memory cards."

12:34:22

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1 Q. Do you know what function memory cards 12:34:23

2 serve in the current election system? 12:34:26

3 MS. JOHNSON: (Inaudible). 12:34:37

4 THE REPORTER: I'm sorry. Melanie, if you 12:34:38

5 said something I didn't hear. 12:34:40

6 MS. JOHNSON: I'm sorry. I said object to 12:34:41

7 form and that he can answer. 12:34:44

8 A. Yeah. I actually don't recall in this -- 12:34:46

9 in the context. I don't recall what kind of memory 12:34:49

10 cards we're talking about. 12:34:52

11 Q. Okay. Do you know whether Georgia has any 12:34:54

12 policies or regulation in place to ensure a secure 12:34:59

13 chain of custody for memory cards? 12:35:05

14 A. I'd have to look it up. 12:35:08

15 MS. JOHNSON: Same objection. 12:35:10

16 THE WITNESS: I'm sorry. 12:35:11

17 MS. JOHNSON: That's okay. 12:35:11

18 THE WITNESS: I'd have to look it up. 12:35:13

19 Q. Okay. 12:35:14

20 Do you recall at any other time besides 12:35:20

21 this meeting discussing memory cards? 12:35:22

22 A. This refreshes my recollection slightly in 12:35:34

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1 that I think I recall this is the meeting where 12:35:38  
2 someone came and voiced strong displeasure with me 12:35:39  
3 after the meeting about memory cards, but I don't 12:35:43  
4 remember much more about that. 12:35:46

5 Q. You don't recall what the concern or 12:35:50  
6 displeasure was about? 12:35:53

7 A. No. It was -- other than it was 12:35:54  
8 strenu- -- strenuously made. That's all I recall. 12:35:58  
9 One person. 12:36:02

10 Q. Understood. 12:36:05

11 Okay. Let's go to the next page where 12:36:07  
12 under Roman numeral 5 it says "Presentation and 12:36:13  
13 consideration of State Election Board previously 12:36:18  
14 proposed amended rules"; do you see that? 12:36:21

15 A. Yep. You read it correctly. 12:36:24

16 Q. Awesome. 12:36:27

17 All right. Under -- 183-1-12-.04 is 12:36:29  
18 titled "Storage, maintenance, and transport of 12:36:38  
19 statewide voting system components"; do you see 12:36:43  
20 that? 12:36:48

21 A. Yes. 12:36:51

22 Q. Do you recall what that rule was about? 12:36:51

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1 A. No. 12:36:55

2 Q. Do you recall discussing at any other time 12:36:58

3 rules or regulations related to the storage, 12:37:00

4 maintenance, and transport of statewide voting 12:37:04

5 system components? 12:37:07

6 A. It comes up as a general topic, it's 12:37:10

7 something we're always cognizant of, but I don't 12:37:13

8 recall any particular -- I don't have any 12:37:17

9 independent recollection of this particular rule or 12:37:20

10 discussion about this particular rule. But it's 12:37:23

11 something we're always concerned about. 12:37:27

12 Q. But you cannot sitting here today recall 12:37:30

13 what measures are put in place to ensure the 12:37:34

14 security of voting system components? 12:37:37

15 A. No. I'd have to look it up. 12:37:39

16 Q. Okay. 12:37:42

17 If you look two I guess sentences down at 12:37:45

18 "Logic and accuracy testing"; do you see that? 12:37:54

19 A. Yes. You read it correctly. 12:37:58

20 Q. Do you see -- do you understand what 12:38:03

21 "Logic and accuracy testing" refers to? 12:38:05

22 A. No. Regretfully I do remember that I used 12:38:14

1 logic and accuracy testing and audit incorrectly 12:38:18

2 one time and George Balboni (phonetic) yelled at 12:38:23

3 me, but other than that I don't -- I don't recall 12:38:25

4 its definition. 12:38:28

5 Q. Okay. And is that something you discussed 12:38:32

6 with State Election Board members other than at 12:38:35

7 this meeting? 12:38:39

8 A. No. And generally the State Election 12:38:41

9 Board members do not discuss things outside of the 12:38:44

10 meeting. I was very surprised when I came on the 12:38:47

11 board that all of our discussions are -- are very 12:38:50

12 public. There's not a -- there's not a back 12:38:54

13 channel. 12:38:57

14 Q. Got it. So when there's a rule proposed 12:38:58

15 for, you know, a concept like logic and accuracy 12:39:02

16 testing which may not, you know, be part of our 12:39:08

17 day-to-day lives, what type of information is given 12:39:10

18 to you to be able to decide whether or not to vote 12:39:15

19 on a particular rule? 12:39:22

20 MS. JOHNSON: Object to form. You can 12:39:25

21 answer. 12:39:27

22 A. We get a copy of the rule, we read it very 12:39:27

1 carefully, we determine whether or not this is 12:39:31  
2 something that we're authorized to do or whether 12:39:34  
3 this should be done by the people's representatives 12:39:37  
4 in the Georgia General Assembly, do we have the 12:39:39  
5 authority to do it in the first place, what is it 12:39:42  
6 asking us to do, make sure we understand what -- 12:39:45  
7 what's being requested, make sure how it works in 12:39:48  
8 the real world, apply my knowledge as having been a 12:39:52  
9 poll watcher and a tabulation monitor for many, 12:39:56  
10 many years to say, well, how is this going to work, 12:39:59  
11 what -- what protections do you have against bad 12:40:02  
12 actors, and then if it -- and if it asks -- have 12:40:05  
13 any further questions we ask the Secretary of State 12:40:11  
14 and their staff. And it is also given a summary to 12:40:13  
15 us by usually Ryan Germany at the meeting as to 12:40:19  
16 what it's going to say, and then we'll discuss it 12:40:23  
17 and then we'll vote on it. 12:40:25  
18 Q. Got it. 12:40:33  
19 You're not given any like detailed 12:40:34  
20 information about how these rules would affect the 12:40:38  
21 operation of voting equipment? 12:40:43  
22 MS. JOHNSON: Object to form. You can 12:40:49

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1 answer. 12:40:50

2 A. Sometimes -- sometimes, but not often. 12:40:52

3 That's one of the things that when you had David 12:40:55

4 Worley on the board, you had somebody there for a 12:41:00

5 really long time who knew a lot about it. 12:41:03

6 Rebecca's been on the board a long time, Ahn's been 12:41:06

7 on the board a long time, I've been doing it a long 12:41:10

8 time. So, you know, you have good people who know 12:41:13

9 a lot about it, who've seen it being done in 12:41:15

10 practice. So -- but to the extent we ever ask for 12:41:18

11 information, the Secretary of State's office is 12:41:23

12 very free and very accommodating and gives us what 12:41:24

13 we need. 12:41:28

14 Q. Got it. 12:41:33

15 Now, the last proposed rule on this list 12:41:37

16 pertains to the "Use of emergency paper ballots 12:41:40

17 when voting machines are inaccessible"; do you see 12:41:43

18 that? 12:41:46

19 A. I see that. 12:41:50

20 Q. Do you recall what that rule was about? 12:41:50

21 A. I'd have to look it up. 12:41:56

22 Q. Under what circumstances would machine 12:41:58

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1 voting be inaccessible? 12:42:03

2 A. If the machines aren't there, if there's 12:42:07

3 problem with electricity, if there's problem with 12:42:12

4 what's been loaded on to them, those are three 12:42:18

5 circumstances that I would think would probably fit 12:42:22

6 into the word "inaccessible," but otherwise I'd 12:42:25

7 have to look up the statute. 12:42:28

8 Q. And have you heard of any situations in 12:42:36

9 the 2020 or 2021 elections where machines were 12:42:40

10 inaccessible? 12:42:45

11 A. None -- none that I recall with 12:42:50

12 particularity. General -- general foggy memory of 12:42:52

13 there was -- there's your standard issue when -- 12:42:59

14 when a tech needs to show up and do something, but 12:43:01

15 nothing with particularity. 12:43:06

16 Q. Do you recall -- what do you recall 12:43:09

17 that -- issues where technicians need to show up? 12:43:15

18 A. Just you remember when polls stayed open 12:43:21

19 late and you say, well, why did it stay open late, 12:43:23

20 and they say, well, because we had a problem 12:43:26

21 starting the machine and we had to wait for the 12:43:29

22 tech to show up. 12:43:32



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1 Q. Okay. And do you recall for which 12:43:35

2 elections those machines -- 12:43:37

3 A. No. I just -- I'm sorry. I interrupted 12:43:39

4 you again. I'm sorry about that. 12:43:42

5 Q. No problem. 12:43:44

6 A. Go ahead and ask your question. I'm 12:43:45

7 sorry. 12:43:46

8 Q. Okay. I'll just repeat it. That's fine. 12:43:47

9 Let's see. Do you recall for which 12:43:55

10 elections those machines required technicians to 12:43:57

11 solve issues? 12:44:03

12 A. It's pretty much every election there will 12:44:04

13 be some kind of glitch. 12:44:07

14 Q. Got it. And when there's a glitch on a 12:44:09

15 machine does that prevent voters from casting their 12:44:13

16 ballots? 12:44:19

17 MS. JOHNSON: Object to form. You can 12:44:21

18 answer. 12:44:22

19 A. Yeah. For example, if there's no 12:44:24

20 electricity to the machines, they wouldn't be able 12:44:26

21 to cast a ballot on the machine. 12:44:28

22 Q. And if the machine isn't working properly, 12:44:34

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1 they wouldn't be able to cast the ballot on the 12:44:38

2 machine either, right? 12:44:41

3 A. Whatever made the machine inaccessible, 12:44:43

4 agreed. 12:44:45

5 Q. There's another rule on the next page here 12:44:57

6 about "Optical scan recount procedure"; do you see 12:45:01

7 that? 12:45:07

8 A. Yes, I do. 12:45:09

9 Q. Do you know what that rule was about? 12:45:11

10 A. No. I'd have to look it up. 12:45:13

11 Q. Okay. Do you recall whether at any point 12:45:16

12 the State Election Board discussed a different 12:45:31

13 recount procedure than the one we already discussed 12:45:36

14 earlier today? 12:45:42

15 A. Not that I recall. 12:45:44

16 Q. Did the State Election Board have any 12:45:51

17 decision-making power on deciding how to run 12:45:58

18 election recounts? 12:46:05

19 MS. JOHNSON: Object to form. 12:46:07

20 A. I don't recall. 12:46:10

21 Q. Okay. 12:46:14

22 A. I'd have to -- I'd have to look up any 12:46:15

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1 rule that purports to say that, but I don't -- I 12:46:17

2 don't have an independent recollection of it. 12:46:21

3 Q. Okay. 12:46:23

4 And I think we might have covered this 12:46:26

5 earlier, but I just want to make sure I understand 12:46:28

6 correctly. Does the State Election Board have any 12:46:31

7 role on deciding whether to move forward with 12:46:36

8 audits or not? 12:46:38

9 A. I'd have to look -- I'd have to look that 12:46:44

10 up. I -- none that -- none come to my mind. 12:46:46

11 Q. Okay. 12:46:50

12 A. But I'd have to look it up to be sure. 12:46:53

13 Q. Understood. 12:46:56

14 Do you recall at any point being asked as 12:46:57

15 a member of the State Election Board whether you 12:47:00

16 recommend going forward with an audit? 12:47:05

17 A. I've never been asked whether I recommend 12:47:15

18 going forward with an audit. I've had complete and 12:47:18

19 utter strangers stop me in restaurants and demand a 12:47:23

20 full forensic audit of the presidential election 12:47:28

21 more times than is comfortable. 12:47:34

22 Q. Right. 12:47:40

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1           A. But they never have explained what that       12:47:40  
2    meant. I always ask them what do you -- what do       12:47:42  
3    you mean by that, and no one's been able to tell       12:47:44  
4    me.   12:47:46

5           Q. And you mentioned earlier that you           12:47:47  
6    assist -- that you witnessed at least part of the       12:47:49  
7    Fulton County recount for a primary race. Was       12:47:53  
8    any --   12:47:58

9           A. I think --                                       12:47:59

10          Q. I'm sorry?                                       12:48:00

11          A. I think it was the primary.                   12:48:01

12          Q. Okay. What you think was a primary race,    12:48:03  
13   do you recall if any other State Election Board       12:48:07  
14   member was there with you?                               12:48:11

15          A. I was the only one.                            12:48:14

16          Q. Okay.   12:48:22

17                 And so when discussing the -- the rules    12:48:24  
18   about recount procedure do you recall whether you       12:48:33  
19   discussed whether individual ballots should be           12:48:39  
20   compared to the machine-casted ballot?                   12:48:44

21          A. That sounds like something I would have       12:48:55  
22   recalled if it came up just because it's so               12:48:57

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1 preposterous, but I don't recall it coming up. I 12:49:00

2 would have recalled it if it came up because I 12:49:04

3 would have had a very adverse reaction. 12:49:06

4 Q. Okay. So fair to say that in any audits 12:49:10

5 that took place while you were on the State 12:49:20

6 Election Board the audits did not check the QR code 12:49:26

7 against a human readable selection for each ballot 12:49:30

8 during the audit? 12:49:36

9 MS. JOHNSON: Object to form. You can 12:49:38

10 answer. 12:49:39

11 A. Correct. I've only seen it done in 12:49:40

12 batches, and it only makes sense to me to do it in 12:49:42

13 batches. 12:49:46

14 Q. Understood. We can take the exhibit down 12:49:47

15 or at least you can stop looking at it if you want. 12:49:57

16 Is privacy important to you as a State 12:50:06

17 Election Board member? 12:50:10

18 A. Super critical. 12:50:13

19 MS. JOHNSON: Object to form. You can 12:50:14

20 answer. 12:50:16

21 THE WITNESS: I'm sorry. Super critical. 12:50:16

22 Q. Have you heard -- 12:50:19

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1 A. superduper critical. 12:50:19

2 Q. Good. 12:50:25

3 Have you heard voters complain that the 12:50:26

4 BMD screens are large? 12:50:28

5 A. I have only heard it from interest groups 12:50:33

6 and they had two witnesses in the Athens case I 12:50:39

7 think that didn't like that the screens were large, 12:50:43

8 but in general I've not heard that from the general 12:50:45

9 public. 12:50:49

10 Q. Okay. 12:50:56

11 A. And I think -- I think the Athens-Clarke 12:50:57

12 County chair of the Board of Elections complained 12:51:00

13 about the screens being large too in that same 12:51:02

14 case, but that's not something I've heard from the 12:51:05

15 general public. 12:51:07

16 Q. Do these complaints about the voter 12:51:09

17 screens being too large concern you? 12:51:11

18 A. No. 12:51:14

19 Q. Would it concern you if someone could see 12:51:17

20 what you're choosing to vote at the time that 12:51:23

21 you're voting? 12:51:25

22 A. I would -- I would immediately know 12:51:31

1 because I stand close to the machine and block the 12:51:35  
2 machine with my body. And so if someone was 12:51:38  
3 leaning in to my personal space to inspect my 12:51:41  
4 ballot I would -- I would have an inquiry as to 12:51:43  
5 that, but my experience in using the machine is 12:51:48  
6 that I feel very confident and comfortable that 12:51:52  
7 I've blocked the screen with my body and not 12:51:55  
8 concerned at all that someone's looking without me 12:52:00  
9 knowing. 12:52:02

10 Q. Have you discussed the size of the screens 12:52:04  
11 among State Election Board members? 12:52:09

12 A. I don't recall that as a big topic, no. 12:52:14

13 Q. Do you recall it ever coming up as a topic 12:52:19  
14 of conversation? 12:52:22

15 A. It came up in the Athens-Clarke County 12:52:24  
16 case, but I don't remember the board talking about 12:52:26  
17 it. Interest groups will talk about it, but I 12:52:30  
18 don't remember the board having any -- expressing 12:52:34  
19 concerns about it. 12:52:37

20 Q. Do you know how poll workers are trained 12:52:43  
21 in Georgia? 12:52:48

22 MS. JOHNSON: Object to form. You can 12:52:50

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1 answer. 12:52:51

2 A. Generally, but not specifically. 12:52:53

3 Q. Is the State Election Board involved at 12:52:57

4 all in deciding how poll workers are trained? 12:52:59

5 A. Tangentially we will make suggestions and 12:53:07

6 we will hear people with suggestions about how this 12:53:09

7 poll worker -- and we'll even have cases -- this 12:53:14

8 poll worker did this right or wrong, and we will -- 12:53:17

9 some of the remedies that we impose is that the 12:53:21

10 poll worker will be trained in a -- in a particular 12:53:26

11 way to be better. So we'll get it in those -- in 12:53:29

12 those ways, but the Secretary of State's office has 12:53:33

13 a very good -- or had a very good trainer who did a 12:53:36

14 really good job and was very accessible to the 12:53:43

15 county. So what I -- you know, what I was hearing 12:53:46

16 was very positive, that he was very accessible and 12:53:51

17 good, and I think he's left for another job. So 12:53:54

18 we're generally involved, but not specifically 12:53:59

19 involved unless we're required in very specific 12:54:01

20 circumstances. 12:54:05

21 Q. And do you know whether poll workers are 12:54:16

22 trained specifically on how to deal with issues 12:54:21



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1 with BMD machines? 12:54:26

2 A. I've heard -- I mean, I've heard -- I've 12:54:32

3 heard lots of conversations about their training 12:54:36

4 and they're getting used to the machines and thing 12:54:40

5 like that, sure. 12:54:45

6 Q. Have you heard voters complain about poll 12:54:47

7 workers not being able to help them when BMD's 12:54:50

8 malfunction? 12:54:57

9 A. Yeah, we get -- we have gotten some 12:54:59

10 complaints where they were frustrated that they had 12:55:04

11 to wait on the tech. There were also some issues 12:55:06

12 in that some poll workers who had never hooked a 12:55:13

13 printer up at their own home were trying to hook up 12:55:18

14 printers. So, you know, we work very hard with the 12:55:23

15 counties to try and remedy that and get that done. 12:55:26

16 And there were some remedy about having technicians 12:55:31

17 be more available, but I don't recall the specifics 12:55:36

18 of it. 12:55:38

19 Q. Do you know whether poll worker training 12:55:43

20 has been changed since switching over from DRE's to 12:55:47

21 BMD's? 12:55:55

22 MS. JOHNSON: Object to form. You can 12:55:56

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1 answer. 12:55:57

2 A. It's a whole new system. So yeah. Yeah. 12:55:59

3 Q. Is it important to you as a State Election 12:56:20

4 Board member that every county in Georgia has 12:56:26

5 sufficient election equipment for all voters that 12:56:29

6 want to cast a ballot? 12:56:31

7 MS. JOHNSON: Object to form. 12:56:33

8 A. Yes. We -- we work very hard with the 12:56:37

9 counties to make sure they have everything that 12:56:40

10 they need, and, in fact, on election day I'll 12:56:42

11 frequently go to precincts and ask how things are 12:56:47

12 going and people will say tell the superintendent 12:56:51

13 that we need more gloves. And so I'll call the 12:56:56

14 superintendent and say I just came from X precinct 12:57:01

15 and they said they need more gloves, please. So 12:57:05

16 yeah, we work very hard with the counties and the 12:57:08

17 Secretary of State's office works very hard with 12:57:12

18 the counties. 12:57:14

19 Q. That's more difficult to do with BMD 12:57:15

20 machines, right? 12:57:18

21 A. Than what? 12:57:20

22 Q. Than just -- if you realize that you don't 12:57:21

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1 have enough BMD machines just calling someone up 12:57:24

2 and asking them to send over a new machine. 12:57:27

3 A. Yeah. I just only have vague memories 12:57:33

4 about it, but nothing specific. But I do have 12:57:37

5 vague memories about machines going out of service 12:57:40

6 and whatnot, but I don't have specific memories 12:57:43

7 about it. 12:57:45

8 Q. Do you know whether it takes time to get a 12:57:53

9 machine ready in time for elections? 12:58:00

10 MS. JOHNSON: Object to form. 12:58:05

11 A. Sure, there's a lot of preparation. Every 12:58:08

12 system has preparation. 12:58:12

13 Q. I'm just reading over my notes to make 12:58:34

14 sure I'm not leaving anything out. 12:58:36

15 A. Understandable. 12:58:40

16 MS. WIESEBRON: Okay. I think that's all 12:59:22

17 the questions I had. So unless your counsel has 12:59:24

18 more questions for you, I'd like to thank you very 12:59:27

19 much for your time. I really appreciate you making 12:59:30

20 the time to be here today. 12:59:34

21 THE WITNESS: My pleasure. 12:59:37

22 MS. JOHNSON: I don't have any questions 12:59:39

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1 for Mr. Mashburn.

12:59:40

2 THE VIDEOGRAPHER: This marks the end of 12:59:44

3 the deposition. We're going off the record. The 12:59:45

4 time is 12:59 p.m. 12:59:47

5 (Whereupon, at 12:59 p.m. the 11:13:15

6 taking of the instant 11:13:15

7 deposition ceased.) 11:13:15

8 11:13:15

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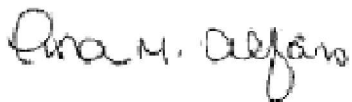
22 11:13:15

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, TINA M. ALFARO, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 17th day of November, 2021.

My Commission expires October 31, 2025.



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NOTARY PUBLIC IN AND FOR THE  
DISTRICT OF COLUMBIA

1     Melanie Johnson, Esquire

2 melanie.johnson@robbinsfirm.com

3 November 17, 2021

4 RE: Curling, Donna v. Raffensperger, Brad

5 11/4/2021, Matthew Mashburn (#4880309)

6           The above-referenced transcript is available for  
7    review.

8           Within the applicable timeframe, the witness should  
9       read the testimony to verify its accuracy. If there are  
10      any changes, the witness should note those with the  
11      reason, on the attached Errata Sheet.

12           The witness should sign the Acknowledgment of  
13   Deponent and Errata and return to the deposing attorney.  
14   Copies should be sent to all counsel, and to Veritext at  
15   cs-midatlantic@veritext.com

17       Return completed errata within 30 days from  
18       receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Curling, Donna v. Raffensperger, Brad

2 Matthew Mashburn (#4880309)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

5 \_\_\_\_\_

6 REASON \_\_\_\_\_

7 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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9 REASON \_\_\_\_\_

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12 REASON \_\_\_\_\_

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21 REASON \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Matthew Mashburn Date

25

1 Curling, Donna v. Raffensperger, Brad  
2 Matthew Mashburn (#4880309)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Matthew Mashburn, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

11

12 \_\_\_\_\_  
Matthew Mashburn Date

13 \*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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NOTARY PUBLIC

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